

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

1:16-CV-03088-ELR

LISA FUTCH

October 25, 2022



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UNITED STATES vs STATE OF GEORGIA

October 25, 2022

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,
Plaintiff,

vs. NUMBER
1:16-CV-03088-ELR

STATE OF GEORGIA,
Defendant.

-----/

The video conference videotaped deposition of LISA FUTCH, a witness in the above-entitled cause, taken pursuant to Notice and agreement, before Kyle J. Saniga, Certified Court Reporter and Notary Public with all parties at their respective locations on the 25th day of October 2022, commencing at or about the hour of 9:03 a.m.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

2

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24
25

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

3

I N D E X

PAGE

EXHIBIT INDEX ----- 4-5

OPENING REMARKS AND STIPULATIONS ----- 6-7

DIRECT EXAMINATION:

By Ms. Hamilton ----- 7

CROSS-EXAMINATION:

By Ms. Johnson ----- 341

CERTIFICATE ----- 357

DISCLOSURE ----- 358

ERRATA ----- 359-361

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

4

D O C U M E N T A R Y E V I D E N C E

NUMBER	DESCRIPTION	PAGE
PX-539	Subpoena to Lisa Futch (3 pages)	10
PX-540	Lisa Futch CV (6 pages)	19
PX-541	Georgia Network for Educational and Therapeutic Support Strategic Plan (20 pages)	88
PX-542	E-mail dated March 21, 2019 (7 pages)	120
PX-543	student enrollment spreadsheet from the 2021 to '22 school year (1 page)	138
PX-544	student enrollment spreadsheet from the 2021 to '22 school year for the Hinesville Liberty facility (2 pages)	150
PX-545	student enrollment spreadsheet from the 2021 to '22 school year for the Glynn facility (1 page)	162
PX-546	GA00794669 (1 page)	178
PX-547	GA00131256 (1 page)	182
PX-548	GA00227998 (7 pages)	198
PX-549	GA00015229 (4 pages)	214
PX-550	Guidance and Planning Documents for Student Reintegrations from GNETS to an LEA Setting (4 pages)	218

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

5

(continued)

D O C U M E N T A R Y E V I D E N C E

NUMBER	DESCRIPTION	PAGE
PX-551	Coastal Academy_Temp_000250 (34 pages)	222
PX-552	GA00082998 (3 pages)	241
PX-553	GA00357358 (2 pages)	246
PX-554	GA00083733 (3 pages)	249
PX-555	GA00097408 (1 page)	252
PX-556	GNETS Services Flow Chart (1 page)	309
PX-557	Request for GNETS Consultation (2 pages)	313
PX-558	Confidential Student Information Packet for GNETS (4 pages)	316
PX-559	GNETS Guiding Questions for Considerations for GNETS Services (2 pages)	325

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

6

1 (Disclosure was made pursuant to
2 O.C.G.A. annotated 9-11-28
3 (c) and (d) and 15-14-37
4 (a), (b) and (c).)

5 THE VIDEOGRAPHER: We are now on
6 the record. Today is Tuesday,
7 October 25th, 2022 and the time is
8 9:03 a.m. Eastern time.

9 This begins the video conference
10 deposition of Lisa Futch taken in the
11 matter of the United States of America
12 versus State of Georgia, Case Number
13 1:16-CV-03088-ELR pending in U.S.
14 District Court for the Northern
15 District of Georgia.

16 My name is Patrick Murphy. I'm
17 the remote videographer today, and our
18 remote court reporter is Kyle Saniga.
19 We're are both representing Esquire
20 Deposition Solutions.

21 If counsel could now please
22 introduce themselves for the record,
23 then our court reporter will swear in
24 the witness.

25 MS. HAMILTON: Andrea Hamilton for

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

7

1 the United States.

2 MS. JOHNSON: Melanie Johnson for
3 the State of Georgia.

4 MR. NGUYEN: Hieu Nguyen with
5 Harben, Hartley and Hawkins on behalf
6 of the witness.

7 LISA FUTCH,
8 having been produced and first duly sworn as a
9 witness, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. HAMILTON:

12 Q Good morning, Ms. Futch. How are you
13 doing today?

14 A I'm good.

15 Q Great. My name is Andrea Hamilton and
16 I represent the United States. I'll be taking
17 your deposition today.

18 Would you please state your full name
19 for the record?

20 A Lisa Marie Futch.

21 Q I will be asking you a series of
22 questions today, and you're under oath to
23 provide complete and honest answers to those
24 questions.

25 Do you understand?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

8

1 A Yes, I do.

2 Q If you do not understand the question
3 that I ask, you should feel free to let me know
4 and I'll try to rephrase the question. Okay?

5 A Okay.

6 Q Also, if you're not sure of an answer
7 or don't have a complete answer, you must still
8 answer the question to the extent that you can.
9 Okay?

10 A Okay.

11 Q If you need a break at any point,
12 please tell me or your attorney. We will have
13 some breaks throughout the day. We'll also
14 break for lunch, but if you need a break that
15 hasn't already been scheduled, we will let you
16 finish your answer if you are in the midst of
17 answering your question, and then discuss
18 agreeing before we take the break. Okay?

19 A Okay.

20 Q Also, as you can see, the court
21 reporter is recording all that is said here.
22 Because she can only record our words, we just
23 ask that you speak clearly and answer every
24 question with a verbal response.

25 Do you understand?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

9

1 A Yes, ma'am.

2 Q As the court reporter mentioned, we
3 also -- I think actually the videographer
4 mentioned -- we want to avoid talking over each
5 other. I will try to not interrupt when you're
6 answering, and likewise, I ask you to do your
7 best to let me finish my questions before you
8 start to answer. Okay?

9 A Sure.

10 Q And finally, is there any reason that
11 you can think of that you would not be able to
12 answer my questions fully and truthfully?

13 A No, ma'am.

14 Q For the record, I want to note that
15 United States, counsel for the witness, and the
16 State of Georgia have agreed that all objections
17 except as to form of the question be reserved
18 until trial.

19 MADAM COURT REPORTER: Excuse me.

20 (Whereupon, an off-the-record
21 discussion was held.)

22 THE VIDEOGRAPHER: Hearing no
23 objection, we'll go off the record now
24 at 9:07 a.m.

25 (Whereupon, an off-the-record

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

10

1 discussion was held.)

2 THE VIDEOGRAPHER: We are back on

3 record at 9:09. Please proceed.

4 BY MS. HAMILTON:

5 Q The documents for today's deposition
6 will be shared electronically.

7 I am going to share our first document
8 on the screen and I would like for the court
9 reporter to mark this first document as
10 Plaintiff's 539.

11 Kyle, are you able to see on the
12 screen?

13 MADAM COURT REPORTER: I do.

14 (Whereupon, Plaintiff's Exhibit
15 Number 539 was marked for
16 identification.)

17 BY MS. HAMILTON:

18 Q Ms. Futch, are you able to see the
19 document on the screen?

20 A Yes, ma'am.

21 Q Okay. So, Ms. Futch, I'm now showing
22 you Plaintiff's Exhibit 539.

23 You can -- and I can actually give you
24 control of the document, and if you want to take
25 a brief moment to look at it, let me know when

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

11

1 you finish reviewing it.

2 A I'm done.

3 Q Okay. All right. So this is a
4 subpoena to testify at a deposition in a civil
5 action.

6 The subpoena is directed to Lisa Futch;
7 correct?

8 A Yes, it is.

9 Q Is that you?

10 A Yes, it is.

11 Q Have you seen this document before
12 today?

13 A Yes, I have.

14 Q Who showed this document to you?

15 A I asked my attorney to send me a copy
16 so that I can review the parameters of the scope
17 of today's testimony.

18 Q And are you here today on --

19 MR. NGUYEN: Excuse me, I'm going
20 to instruct the witness not to discuss
21 anything that she mentioned or
22 discussed or questions she asked me
23 about the subpoena or anything related
24 to it.

25 MS. HAMILTON: Got it.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

12

1 MR. NGUYEN: Okay.

2 MS. HAMILTON: Yes.

3 MR. NGUYEN: I apologize for the
4 interruption.

5 MS. HAMILTON: No problem. That's
6 fine, Hieu.

7 BY MS. HAMILTON:

8 Q And my questions really aren't about
9 the substance of the conversation you had about
10 the subpoena, but I do want to confirm,
11 Ms. Futch, you're here today on account of this
12 document; correct?

13 A Correct.

14 Q The top of this document has the case
15 name, United States versus State of Georgia.

16 Do you see that?

17 A I do.

18 Q Do you understand that this deposition
19 is being taken in connection with litigation
20 against the State of Georgia relating to the
21 Georgia Network for Educational and Therapeutic
22 Support Program?

23 A Yes.

24 Q Are you aware that this program is
25 commonly referred to as the GNETS Program?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

13

1 A Yes.

2 Q So if I use the term GNETS throughout
3 the day, you'll understand that I'm referring to
4 the Georgia Network for Educational and
5 Therapeutic Support Program?

6 A Yes, ma'am.

7 Q When did you first learn about the
8 GNETS litigation?

9 A The year it started, and forgive me, I
10 can't recall, was that 2012, maybe. But the
11 year that it actually started that -- and that's
12 really all I could tell you about that. It's
13 been a long time.

14 Q Sure. Are you familiar with the Letter
15 of Findings that the DOJ issued in 2015?

16 A I am.

17 Q And are you familiar with the lawsuit
18 that was filed the following year in 2016 --

19 A I am.

20 Q -- by United States Department of
21 Justice?

22 A I am.

23 Q What is your understanding of what the
24 case is about?

25 A Providing equitable services to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

14

1 students, an ADA issue, perhaps, you know, and,
2 you know, making sure that all students are --
3 receive the same services.

4 Q I'm going to stop sharing my screen.
5 I'm going to ask you a few questions about your
6 preparation for this deposition.

7 I do want to reiterate that I'm not
8 going to ask you to reveal the substance of any
9 communications that you had with your attorney.

10 What did you do to prepare for this
11 deposition?

12 A I just spoke with my attorney.

13 Q Anyone besides your attorney present
14 during those -- that meeting?

15 A No.

16 Q And was it just one meeting?

17 A Yes.

18 Q Approximately how long was the meeting?

19 A 30 minutes.

20 Q Did you speak to anyone else in
21 preparation for this deposition?

22 A Yes. I spoke to my boss, Richard
23 Smith, and informed him of the deposition only.
24 And then McIntosh County Board of Education
25 where my office is located, I spoke to the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

15

1 superintendent and the administrative assistant
2 to reserve the room that I thought we needed.

3 Q And you said your boss is Richard
4 Smith.

5 What is his position?

6 A He's the executive director of First
7 District RESA.

8 Q Did you speak to any GNETS directors
9 who have been deposed by the United States?

10 A I have not spoken to any GNETS
11 directors.

12 Q Did you review any documents in
13 preparation for today's deposition?

14 A No, actually. Decided not to.

15 Q And did you review any deposition
16 transcripts from any of the other individuals
17 who have been deposed in our litigation?

18 A No, ma'am.

19 Q Did you bring any documents with you
20 today?

21 A No, ma'am. I know y'all see me
22 fiddling, but it's just my notebook.

23 Q And did you do anything else to prepare
24 today -- for today?

25 A No, ma'am.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

16

1 Q Have you ever had your deposition taken
2 before?

3 A Yes.

4 Q How many times?

5 A Once.

6 Q And when was that?

7 A A long time. I don't recall. It was
8 my first divorce, so it's been over 24 years
9 ago.

10 Q And it sounds like that -- you said it
11 was in connection with your divorce.

12 So that was related to personal
13 matters?

14 A Oh, I'm sorry, yes. Were you asking
15 specifically for -- related to this?

16 Q Well, I want a big picture of how many
17 you -- like how many depositions --

18 A Just the one.

19 Q Okay.

20 A Yeah.

21 Q I also may be using some acronyms today
22 for brevity and I want to run through a few of
23 them now to ensure that we're on the same page.

24 The first is Georgia DOE.

25 A Uh-huh.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

17

1 Q When I use the acronym Georgia DOE or
2 State DEO, will you understand that I'm
3 referring to the Georgia Department of
4 Education?

5 A Yes, ma'am.

6 Q When I use the acronym DBHDD, will you
7 understand that I'm referring to the Georgia
8 Department of Behavioral Health and
9 Developmental Disabilities?

10 A Yes, ma'am.

11 Q When I use the acronym DCH, will you
12 understand that I'm referring to the Georgia
13 Department of Community Health?

14 A Yes, ma'am.

15 Q If use the term LEA, will you
16 understand that I'm referring to Local Education
17 Agency?

18 A Yes, ma'am.

19 Q If I say RESA, will you understand that
20 I'm referring to the Regional Education Service
21 Agency?

22 A Yes, ma'am.

23 Q If I say GNETS centers, will you
24 understand that I'm referring to the standalone
25 GNETS location?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

18

1 A Yes, ma'am.

2 Q If I use the term GNETS School Based
3 Locations, will you understand that I'm
4 referring to the GNETS locations that are based
5 in general education settings for schools?

6 A Yes, ma'am. Sorry.

7 Q If I use the acronym PBIS, will you
8 understand that I'm referring to positive
9 behavioral interventions and supports?

10 A Yes, ma'am.

11 Q If I use the acronym EBD, will you
12 understand that I'm referring to emotional and
13 behavioral disabilities?

14 A Yes, ma'am.

15 Q And finally, if I use the term general
16 education settings, will you understand that I'm
17 referring to public schools in Georgia with
18 children with EBD and other behavioral health
19 conditions, receive instruction and services
20 along children who do not have disabilities?

21 A Yes, ma'am.

22 Q Let me show you another document. I
23 would like for the court reporter to mark this
24 next document as Plaintiff's Exhibit 540.

25 (Whereupon, Plaintiff's Exhibit

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

19

1 Number 540 was marked for
2 identification.)

3 BY MS. HAMILTON:

4 Q Ms. Futch, I'm now showing you
5 Plaintiff's Exhibit 540. This is a copy of the
6 CV of Lisa Futch that we received from counsel.

7 Do you recognize this document?

8 A Yes, ma'am.

9 Q Do you need a moment to scroll through
10 or are you familiar with this?

11 A I think I'm familiar with it.

12 Q Okay. I will go ahead and just modify
13 the controls so that as we're talking, if you do
14 want to scroll through, you can.

15 A Okay. Thank you.

16 Q Okay. Ms. Futch, what is the highest
17 level -- and let me make this a little -- okay,
18 what is the highest level of education that you
19 obtained?

20 A I actually -- I have a Level 6 S
21 leadership and service certificate from the
22 State of Georgia, which is a EDS Education
23 Specialist, and hopefully will have my EDD in
24 January.

25 Q Okay. So for your EDS, where did you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

20

1 receive that from?

2 A Georgia Southern.

3 Q And what was your area of focus?

4 A My initial area of focus was school
5 psychology, I received that first, and then I
6 did an add-on for leadership.

7 Q And what was the timeframe for when you
8 received your EDS, your education specialist
9 degree?

10 A 2004.

11 Q And when did you receive the add-on
12 certification?

13 A Oh gosh, 2007.

14 Q Okay. You also mentioned that you are
15 expected to receive your EDD in January.

16 Where are you currently pursuing that?

17 A Georgia Southern.

18 Q And what is your area of focus?

19 A Educational leadership.

20 Q Do you have any other graduate or
21 professional degrees?

22 A I have two masters degrees. I have one
23 in school counseling and one in higher education
24 administration.

25 Q Your masters degree in school

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
21

1 counseling is from where?

2 A Georgia Southern.

3 Q And when did you receive that?

4 A 2002.

5 Q And then your masters of education and
6 higher education, where did you receive that
7 agree?

8 A Georgia Southern.

9 Q When?

10 A 2000.

11 Q Do you have any other graduate or
12 professional degrees?

13 A No.

14 Q And then with regard to certifications,
15 I see here on your CV that you also have --
16 let's see, in addition to the add-on
17 certification for educational leadership, you
18 also have the certification Level 6 for school
19 psychology and school counseling; is that
20 correct?

21 A That is correct.

22 Q And you received those in 2004 and 2002
23 respectively?

24 A Yes. Wait, make sure. Yeah, that's
25 right.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
22

1 Q I also see here that you listed having
2 a license as being licensed as a professional
3 counselor; is that correct?

4 A That is correct.

5 Q When did you receive that license?

6 A 2006.

7 Q And is that licensure still current?

8 A Yes, ma'am.

9 Q How often do you have to renew your
10 license as a licensed professional counselor?

11 A Every two years.

12 Q Who issues -- who issues that license?

13 A The State of Georgia. Secretary of
14 State's office, yeah.

15 Q And what training is required to be a
16 licensed professional counselor?

17 A It requires a masters degree or higher,
18 a masters degree or higher and school
19 counseling, community counseling, mental health
20 counseling, something along those lines that's
21 CACREP accredited, the school must be.

22 Now that was when I got it. That's
23 recently changed, 2018, and then again this year
24 with the new laws that have come out.

25 And I'm also actually a certified

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
23

1 professional supervisor counseling -- you know,
2 so I can supervise LPC's that are coming up.

3 So there are certain classes that are
4 required under each one but -- and then it's
5 about -- well, it's 1,000 hours or so, I think,
6 of internship hours.

7 Now, when I got mine, I was allowed to
8 do mine at that point in time, be supervised by
9 a licensed clinical psychologist, which I was,
10 but now, two of those years -- because you have
11 to do it in three calendar years -- two of those
12 years, you have be supervised by an actual LPC
13 and one year of those years can be, you know,
14 someone else supervise, clinical psychologist or
15 whatever.

16 So, in training, I just renewal -- you
17 know, you're required to have your ethics class,
18 you know, every two years.

19 There's actually quite a bit of
20 training for me because I am a supervisor and so
21 it requires approximately 24 hours every
22 two years of continuing ed credit and, you know,
23 that's in various areas ethics, of course,
24 always ethics. And then supervision and then,
25 you know, a specific area, you know, that you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
24

1 particularly -- you know, like I always kind of
2 do -- I typically do school counseling, but I
3 also have been doing trauma informed care and
4 psychopathology.

5 And I'll always, anything with children
6 adolescence, I do. But that's just, you know,
7 my area that I choose, so, you know, model the
8 school counseling. So every two years, again,
9 24 continuing ed credits.

10 And then there's -- for me, because I
11 have the supervisor certification added on,
12 there is a 50-question exam I take every
13 two years.

14 Q Thank you. And then for the
15 certifications that we were discussing a moment
16 ago, I think it was the Georgia Certification
17 Service Level 6 certification, who issues those
18 certifications?

19 A PSC, the Georgia PSC. I'm sorry,
20 Professional Standards Commissions. Okay.

21 Q And what is required in order to obtain
22 those certifications?

23 A For the school psych, you have to have
24 an EDS specifically from SACS accredited
25 institution and school psychology. And, of

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
25

1 course, there's a practicum and internship
2 requirement and, of course, you know, the course
3 requirements.

4 And, of course, the PSC has done a
5 variety of different things with renewal
6 requirements, you know, over the years here so
7 it's hard to keep up, but basically just, you
8 know, you're keeping up with your continuing ed,
9 if they ask for it, professional learning hours.

10 And I also do a lot of presenting and
11 training that would fall under those categories
12 of professional learning, and that is also
13 counted because you can -- they will take that
14 and they convert it to what they need.

15 So just keeping up your renewal hours,
16 working and doing the field because I still
17 occasionally do psychologicals and I always do
18 counseling and, I'm sorry, that was school
19 psychology.

20 With school counseling though, just a
21 masters required for that, and, again, a
22 practicum internship and the SACS accredited
23 institution and just keeping up with your
24 professional learning hours and staying active
25 in it.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

26

1 Q Okay. So just to confirm, all of the
2 certifications issued by the PSC are typically
3 tied to some other degree or program that you're
4 going through?

5 A Yes. And, you know, tip -- you know,
6 you need to be employed in them at the initial
7 time they were issued.

8 Now, you know, so I was employed as
9 that technically or, you know, I was program
10 coordinator at GNETS, which took both of these
11 roles on and -- at the time of the initial
12 issue.

13 But as they're renewed, you know,
14 they're typically renewed with -- if you had
15 another degree or whatever, like, leadership,
16 they're renewed with that.

17 Q Okay. And then -- up with your
18 educational background, where did you obtain
19 your undergraduate degree?

20 A Brewton-Parker College.

21 Q And what was your major?

22 A Psychology.

23 Q And when did you graduate?

24 A '96.

25 Q Ms. Futch, you are currently employed

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
27

1 at the Coastal Academy GNETS Program; is that
2 correct?

3 A That is correct.

4 Q What is your current job title?

5 A I'm the director.

6 Q And how long have you been in that
7 role?

8 A Since July 1, 2011.

9 Q Before serving as the Coastal Academy
10 systems -- we'll go through your CV a bit --
11 before serving as the Coastal Academy GNETS
12 Director, where did you work?

13 A I was the director of Special Education
14 in Jeff Davis County.

15 Q Okay. And what timeframe did you serve
16 as the Director of Special Education in Jeff
17 Davis County?

18 A July 2010 to June 30th, 2010 or July 1,
19 2011. Yeah, I mean, excuse me, July 2010 to
20 July 2011. Thank you, yeah.

21 Q Okay. What were your responsibilities
22 as the special education director?

23 A Everything. Management, planning,
24 budget for all things special ed plus MTSS and
25 504.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
28

1 Since Jeff Davis County is small school
2 system and in the smaller school systems you
3 wear many hats so -- and nursing and Medicaid
4 billing and all of that under it.

5 I had an administrative assistant and
6 then one lead teacher at each school and that
7 was it.

8 So just, you know, like I said, any and
9 everything to do with special education,
10 maintaining -- being familiar with the law,
11 making sure everything was in compliance with
12 Special Ed, doing the budgets, the BIP
13 (phonetic) -- consolidated app, excuse me, and
14 the portal training of staff, working with
15 community service agencies to bring different
16 supports in, transportation director, working
17 with him. That was difficult, but we actually
18 got along great.

19 Let's see, GLS, attending those
20 meetings. Just -- and SDI, of course, you know,
21 since I had MTSS and 504 and, of course, Special
22 Ed, SDI, specifically specific -- excuse me --
23 instruction.

24 SDI also, you know, in training
25 teachers in behavior management, you know,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

29

1 training teachers to do FBA's in depth. I had a
2 little more experience in that than most of
3 their other special ed directors had before so
4 they took advantage of that, which is fine, I
5 like --

6 Q I'm sorry to interrupt you. I just
7 want to take a step back. I know you've used a
8 number of acronyms and I want to make sure that
9 I have --

10 A Okay.

11 Q -- them for the record.

12 MTSS, what is that?

13 A Multitiered system of supports.

14 Q Okay. And at a high level, what is it?

15 A Oh, what is it, I'm sorry. It is
16 basically identifying those students who are at
17 risk for academic issues, behavioral issues,
18 that -- and that are, you know, maybe falling
19 behind and identifying them early enough and
20 providing interventions, putting interventions
21 in place to hopefully remediate them, catch them
22 up so they stay out of Special Ed. But Special
23 Ed, of course, is the very top.

24 Georgia is -- has Special Ed at their
25 actual 4 level that we don't really count, but

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
30

1 there are three tiers in MTSS, and then Special
2 Ed is after that.

3 Q And I'll ask you questions -- more
4 questions about MTSS later in the deposition,
5 but I do just want to make sure on the record I
6 note what that is.

7 You also used the abbreviation or
8 acronym SDI.

9 What does that stand for?

10 A Specifically developed instructions.
11 Specifically -- specific design instruction. I
12 always get it confused, I'm sorry. I've been
13 doing this a long time, so I believe it's
14 specifically designed instruction.

15 Q Okay. And what is SDI, more
16 specifically?

17 A Okay. So basically, it's looking at
18 the student, looking at their needs and
19 providing evidence-based instructional
20 remediation and interventions for that student
21 so that student can close those gaps.

22 Q Okay. And then you also used the
23 acronym FBA.

24 What is an FBA?

25 A Functional Behavioral Assessment, and

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

31

1 it's a look at the student, not just the
2 student, actually. I think, in my opinion --
3 well, it's actually more of a look at the
4 environment the student's in and determining,
5 collecting anecdotal behavior, consequence data,
6 and developing, you know, a function of the
7 behavior hypothesis determining after you looked
8 at -- of course, collecting the data and looking
9 at that, determining what the function of the
10 behavior is and then writing an appropriate
11 behavior intervention plan based on function
12 based reinforcers and function based antecedent
13 modifications.

14 Q And the behavior intervention plan that
15 you just mentioned, is that the same thing as
16 the BIP that you referred to --

17 A Yes, it is.

18 Q Okay. And that's BIP?

19 A Yes, ma'am.

20 Q All right. When you were serving as
21 the special education director for Jefferson
22 Davis County Schools in Georgia, did you have
23 any involvement with the GNETS program?

24 A Yes, ma'am. And it's Jeff Davis County
25 School System.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

32

1 Q Okay.

2 A Okay. And, yes, I did. I was the
3 special ed director so all GNETS referrals or
4 information or students they were interested in
5 sending to GNET went through me and I attended
6 all of those meetings.

7 Q Okay. Do you participate in the IEP
8 meetings for the GNET students?

9 A I did.

10 Q And did you coordinate services for
11 students who were being placed in GNETS?

12 A I did.

13 Q What -- do GNETS program that served
14 the school district that you were in at the
15 time?

16 A Cedarwood.

17 Q Okay. So I actually want to go back to
18 an item right before your time as the special
19 education director.

20 On your CV, you listed that you served
21 as the Codirector of Coastal Plains Charter High
22 School; is that correct?

23 A That is correct.

24 Q Okay. And it looks like that was a
25 part-time position?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
33

1 A It was. It was two nights per week
2 4 p.m. to 9 p.m., yep.

3 Q Where is this charter high school
4 location?

5 A So it's Coastal Plains Charter. The --
6 I believe the directors -- the executive
7 director's office is in Glynn County now, but
8 Long County, which is Ludowici, and I actually
9 -- we got -- actually started it. I opened the
10 first year there.

11 Q Okay. What was the timeframe that you
12 worked with this program?

13 A May 2017 to 2019, May 2019.

14 Q Okay. And you said that you were
15 among, I guess, the group that -- the GNET
16 started the particular charter school --

17 A Uh-huh.

18 Q -- how did the school come into
19 existence?

20 A Well, I didn't do that part. I was the
21 first staff hired to open it.

22 So, you know, there'd already been a
23 couple sites open. I think the Glynn County
24 site was open and maybe the Liberty site or -- I
25 believe so, and they, of course, were looking

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

34

1 for people and I applied and I was the first,
2 and so basically I was a principal. Okay.

3 So I was the -- we were the -- I was
4 the -- we were the first staff hired to open
5 that building. So we opened it and got started,
6 yeah.

7 Q Okay. Did the school have a particular
8 focus area or target population?

9 A You know, no. Anybody that basically,
10 you know, wanted to come could, you know, but
11 it's really designed for those -- those kids
12 that kind fall through the cracks really in high
13 school, you know.

14 It was designed to encourage kids not
15 to quit. Like here's an opportunity, you know,
16 maybe you're taking care of your family during
17 the day and you have to work, look, you can come
18 at night.

19 In my opinion, the reason I really was
20 attracted to this is because it addressed more
21 of the whole child concept, you know, some of
22 those barriers that, you know, kids run into in
23 high school, you know, that, educators don't
24 often and readily see or address like they
25 should because it impacts everything. So it was

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

35

1 -- you know, that's what it was.

2 So typically when a student would --
3 you know, at a high school would go to the
4 school counselor say, okay, I want to withdraw,
5 you know, the school counselor would always tell
6 them about this. Here's an opportunity. It's
7 different and, you know, they may come or they
8 may find out about it on their own, but it -- I
9 believe we used an online curriculum, I don't
10 remember what it was called -- oh, GradPoint,
11 GradPoint is what it was called. I think that
12 was a Pearson one as well, but it was based on
13 Georgia standards and high school courses to
14 graduate.

15 Q And it looks like the timeframe that
16 you were serving this position overlapped with
17 your time as the GNETS director with Coastal
18 Academy; is that right?

19 A It does. I did it at night. I would
20 leave GNETS. Usually I would -- well, I'm an
21 early bird so I'm usually here by seven or so.

22 So I would leave if -- whatever
23 happened with GNET sometimes it's -- you know,
24 you never can tell what time to leave on time.
25 It was great that there were two of us and that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

36

1 was done on purpose because, you know, it was
2 designed for people, actually, already working,
3 you know, in the regular schools. So that he
4 may fill in for 30 minutes until I had to get
5 there or whatever.

6 Q Okay. And then you said that when you
7 were there, you were there two nights a week.

8 A Uh-huh.

9 Q And how -- I guess what were the school
10 hours?

11 A 4 to 9 Monday, Tuesday, Wednesday, and
12 Thursday.

13 Q Okay. And just to confirm, you said
14 your role as codirector was similar to the role
15 of principal?

16 A Yes, high school principal, yeah.

17 Q All right. So moving on, it looks like
18 you also served -- that you also worked with the
19 Cedarwood program, GNETS Program; is that
20 correct?

21 A That is correct.

22 Q All right. What was the position that
23 you -- I guess -- well, I'm sorry, the highest
24 position that you held there?

25 A Program coordinator.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

37

1 Q And what was the timeframe that you
2 worked as program coordinator at Cedarwood?

3 A July 2006 to June 2010.

4 Q What were your responsibilities as
5 program coordinator?

6 A Well, building principal
7 responsibilities for the most part or, you know,
8 AP and coordination of services for that
9 specific site that I was -- and I'd worked at
10 two different Cedarwood locations.

11 So the coordination of services,
12 attending IEP's, making sure that we're in
13 compliance with those. Making sure that
14 students are -- not students, excuse me --
15 teachers are, you know, following through and
16 doing what they need to do.

17 Instructional lead -- leader.
18 Evaluator of staff. Let's see. Planning of
19 appropriate professional learning while working,
20 of course, with the GNETS director and the other
21 coordinators, we would do this together.

22 And student -- handling student
23 behavior and discipline, if needed. But most of
24 that was, you know, a reteaching process for us,
25 it didn't look the same, of course, as a typical

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
38

1 building principal would.

2 I was the testing coordinator. All the
3 state standardized tests. Let's see, I
4 coordinated family services. I provided a
5 variety of trainings to districts. Worked
6 closely with special ed directors because we
7 would -- we served various multiple counties at
8 these sites.

9 Let's see, I actually, at that point in
10 time, would review all the IEP's because I'm a
11 little bit of a -- I was, at that point, a Nazi
12 with that because my school pscyh stuff, you
13 know, makes me do close reads on everything.
14 And, I mean, that's pretty much it.

15 Q Okay. And it looks like before you
16 held that position you -- I believe this
17 statement that you were referencing earlier says
18 that you worked as a licensed psychotherapist
19 and school psychologist; is that correct?

20 A Yes. And I also, with the coordinator
21 there, I would occasionally, especially -- just
22 so you know -- when -- like I had the, you know,
23 school psychology.

24 So oftentimes our district, when they
25 would have a particular case where they, you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

39

1 know, really were not sure if it's behavior or
2 whatever, they would ask me to do it so I did a
3 lot -- I did some of those, several of them.

4 But yes, this was -- Dr. Leanne Scott
5 is also the person who I did my clinical
6 supervision under for my license, my LPC. So
7 yeah, we did forensics, you know, evaluations as
8 well. We did -- I mean, but, yes, I worked with
9 her doing a lot of psychological evaluations,
10 counseling, groups.

11 Q Okay. And I guess a moment ago you
12 were saying that you were able to apply some of
13 these skills in your work at Cedarwood, and I
14 guess were you also to able to -- can you --
15 well, let me take a step back one moment.

16 What -- I guess I'm curious how you use
17 your skillset as a licensed psychotherapist or
18 school psychologist in your capacity as the
19 program coordinator at Cedarwood?

20 A Mental health knowledge. My knowledge
21 of mental health and my knowledge of, you know,
22 one-to-one counseling and different counseling
23 techniques from DBT, direct behavior therapy to
24 CBT to -- you know, I could throw in a little
25 person center to some gestalt. I mean, just

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
40

1 being knowledgeable about that in different
2 things having worked with a variety of
3 individuals and doing the counseling and school
4 psychology really helped that knowledge of how
5 to write those psychological evaluations and
6 interpret that data, those reports.

7 Those -- that testing from, you know,
8 cognitive IQ tests, you know, standard
9 deviations, Means, you know, IT scores, standard
10 scores, and the academic tests and the social
11 emotional functioning, that knowledge of
12 interpreting that data. And, of course,
13 understanding then, from a broader perspective,
14 how that disability impacts those children's
15 functioning, you know, within academics.

16 Or maybe it's just an emotional issue
17 and how that impacts academics and functional
18 classroom made me far better at my job and able
19 to read those IEP's and, you know, make sure
20 that they tell an actual story and it's a plan
21 for the kid that makes sense. And under --
22 again, understanding that impact is, you know,
23 really the key to writing that, and goals and
24 objectives.

25 So that was all applied and, of course,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

41

1 I would use it with my background, my
2 experience, you know. The special ed directors,
3 like I said, would often ask me, you know, it
4 was maybe a kid they were thinking about
5 possibly wanting us to consider for services,
6 but, you know, they were on the fence and, you
7 know, they would ask me -- they'd already done a
8 psychological. They'd ask me to come over and
9 do some followup stuff and, you know, see what I
10 thought and things like that.

11 So it was actually all very helpful and
12 very applicable to what I'm doing and to what
13 I'm doing now, absolutely.

14 Q Okay. When you were working with
15 Leanne Scott, did you have clients who you were
16 working with in connection with her practice?

17 A Only with her practice. No GNETS kids.

18 Q Okay. Okay. And so to the extent that
19 you were able to apply these skills, the
20 timeline that was elapsed, you were able to
21 apply it because this was knowledge and
22 information that you already had, but it wasn't
23 part of your job with Leanne Smith -- Scott?

24 A No, no, no. Leanne -- I mean, I saw a
25 different set of folks. Those were her clients

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

42

1 in her practice.

2 Q Okay.

3 A Okay? And then I was able to apply
4 that knowledge and what I learned from her, of
5 course, to my daily -- my daytime job.

6 Q Okay. Thank you for clarifying that.

7 A Sorry.

8 Q So who were the types of clients that
9 you were working for when you were working under
10 Leanne Scott?

11 A We had a lot of DFCS cases. We get a
12 lot of parental evaluations for fitness to see
13 if rights should be terminated. We did a lot of
14 eval -- we did all the evaluations for Bulloch
15 County DFCS, the children that had been removed
16 from those parents and to determine, you know,
17 different things. You know, trauma, emotional
18 functioning, academic, you know, to see if
19 they're -- you know, had been impacted. Of
20 course the majority had.

21 There was, you know, just private
22 people, you know, in her area because her office
23 was in Bulloch and Screven County, that would be
24 most -- again, but most of it -- all -- in fact,
25 all of the people that I worked with were

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

43

1 children.

2 Q Okay. And it looks like here on your
3 CV, you noted that you gained experience
4 conducting psychological evaluations; is that
5 correct?

6 A Yes.

7 Q And I know you spoke about that a
8 moment ago.

9 It also says you wrote psychological
10 reports --

11 A I did.

12 Q -- what --

13 A I'm sorry, I -- what did you say?

14 Q Sure. I was saying for the
15 psychologist report, what did that entail?

16 A Interpreting the psychological
17 assessments and then writing that in a report
18 format.

19 So it would entail a previous testing.
20 I would, you know -- you know, look at if
21 they've been tested before, I made sure I
22 included that first.

23 Then I would include -- I'd do a good
24 thorough social developmental history, a social
25 history, and include that. And then, of course,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

44

1 I would do a good section on behavior
2 observation and, you know, clinical observations
3 during the assessment period. That and then, of
4 course, cognitive, interpreting that IQ test,
5 listing the scores, interpreting that,
6 processing that and -- such academics the same.

7 Social, emotional functioning,
8 interpreting each of those tests, writing that,
9 and then, of course, a summary and a diagnoses.

10 Q And in your capacity, you were able to
11 diagnose students for -- actually, children and
12 adults; is that correct?

13 A Yes, because I'm an LPC. I was an LPC
14 at this time and LPC's could diagnose, and can
15 still diagnose if they have so many hours or
16 whatever, but I have more than plenty. Yes.

17 Q Also here it says that you conducted
18 individual and group counseling.

19 What did that entail?

20 A Individual counseling was -- you know,
21 like I said, I did children. Mostly -- well,
22 only children with her. I did some adult. I
23 did adult psychologicals, too, but only children
24 with counseling, and that would entail me and
25 the individual child, we -- I've done play

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
45

1 therapy. A lot of play-based cognitive
2 behavioral therapy.

3 I've also done regular cognitive
4 behavioral therapy with adolescents, DBT. I
5 found that I use DBT a lot with my adolescents,
6 that dialectical behavior therapy, and it
7 entailed, you know, a lot of developmental
8 therapy from a development standpoint.

9 And oftentimes, you know, that would
10 come when I would have the foster parents come
11 in or the parent of the child to try to do some
12 parent -- parenting training with them versus
13 counseling and try to educate them
14 developmentally and how, you know, a trauma
15 happened here at this developmental stage so now
16 these kids are stuck here and we have to move
17 them forward, so discipline for -- chronological
18 age of seven may not work. You may have to do
19 something that's more appropriate for a
20 three-year old where the trauma happened and
21 where they're stuck, stuff like that -- like
22 that.

23 Q Okay. And then just a -- still here at
24 your CV. You already mentioned a moment ago
25 that you conducted play therapy.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
46

1 This last bullet point says that you
2 consulted with licensed psychologists and
3 counselors in developing behavior modifications
4 and treatment plans for patients.

5 A Uh-huh.

6 Q As a licensed psychotherapist and
7 school psychologist, can -- could you develop
8 your own behavior modification and treatment
9 plans?

10 A Yes. And I had to in this role because
11 every person in individual counseling had to
12 have a treatment plan --

13 Q Okay --

14 A -- requirement.

15 Q -- do -- I'm sorry, go ahead.

16 A No, I'm done.

17 Q Okay. Do you have to do it in
18 consultation with a licensed psychologist or
19 counselor, or you can do it independently?

20 A I can do it independently.

21 Q To the extent here that you noted that
22 -- that you noted that you did do it in
23 consultation with licensed psychologists and
24 counselors, what was the relevance of that?

25 A That was me learning. At least for the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

47

1 licensed psychologist and counselors, that was
2 me learning with her about writing treatment
3 plans. And, of course, as I got more familiar,
4 I could write them myself.

5 And with counselors, it was mostly
6 school counselors where the kid was having
7 trouble in school. I'd call them, you know,
8 whatever time of night it was or e-mail them and
9 that knowledge of behavior really actually
10 probably came from GNETS versus Leanne, if that
11 makes sense, Dr. Scott. So I was able to help
12 them create some interventions and things like
13 that for those kids.

14 Q Okay. For clarity, since I know you're
15 referring to some of these positions throughout
16 the day, what is the difference between a
17 licensed professional counselor and a licensed
18 psychotherapist, if there is --

19 A They're the same. In the State of
20 Georgia, they're the exact same.

21 Q Okay.

22 A And I may have referred to it serval
23 different ways, I apologize.

24 Q Okay. And I just want to make sure I'm
25 clear on --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
48

1 A Yes.

2 Q -- where there are differences and
3 where they're the same.

4 What is the difference between the
5 licensed professional counselor and the school
6 psychologist?

7 A Okay. So the LPC does counseling only,
8 okay, but the school psychologist or the
9 certified -- now I'm a certified school
10 psychologist, not licensed, that's the
11 difference there.

12 Q Okay. What is the difference between
13 those two, so certified --

14 A Between certified and licensed?

15 Q (Nods head.)

16 A Okay. So a licensed school
17 psychologist is at the PhD level and they've
18 passed the state licensure exam.

19 And so a State of Georgia school, for
20 the school system, all you have to be is have
21 the EDS and certified.

22 Q And is there a difference between a --
23 between the -- actually, I think I'm good.
24 Thank you for clarifying the difference between
25 those.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
49

1 Let's move on to another position that
2 you've had. It looks like you've listed here
3 that you served as the program coordinator and
4 school psychologist for the River Quest GNETS
5 program; is that correct?

6 A Yes. And we were psychoeducational
7 program at that time.

8 Q Okay.

9 A That was before the name change.

10 Q Okay. What was the timeframe that you
11 worked at River Quest?

12 A Well, the timeframe that I served in
13 that role or that I worked as River Quest as a
14 whole?

15 Q Served in this particular role.

16 A 2004 to 2006.

17 Q And it looks like you noted you were
18 both the program coordinator and the school
19 psychologist.

20 A Yes.

21 Q What were the responsibilities that you
22 had as the program coordinator?

23 A Okay. So, like, sometimes, you know,
24 at GNETS programs, program coordinators do
25 different tasks. It looks like a different. So

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

50

1 at River Quest, they had program coordinators
2 that had different jobs. So my job was as the
3 school psychologist.

4 However, I also filled in if one of the
5 other program coordinators were out, you know,
6 as far as behavior or dealing with behaviors,
7 unfit parents, supervising -- you know,
8 actually, I was a school psychologist and I
9 supervised mostly all IEP development and
10 eligibility and things like that. But -- so
11 that's basically here.

12 My main job was the coordinator as a
13 school psychologist, but I often, you know, if
14 someone -- one of the other -- there were four
15 us. If one of the others were out, we would all
16 assist and substitute with those duties.

17 Q A moment ago, you mentioned that as a
18 school psychologist, you coordinated the IEP's.

19 What other roles did you play serving
20 in the capacity of a school psychologist at
21 River Quest?

22 A I did all of the parent training.
23 Yeah, because we would do -- I actually would
24 do, like, lunch and learns with parents
25 throughout the school year.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
51

1 I was also the state testing
2 coordinator, so I handled all the standardized,
3 you know, tests, administration.

4 I did all of the observation requests
5 from school systems and provided school systems,
6 you know, written feedback and recommendations
7 for students.

8 Let's see, I assisted the teachers in
9 completing the FBA's, in the behavior
10 intervention plan, and I also did individual and
11 group crisis counseling.

12 Q Okay. Anything else that you can
13 recall?

14 A No, ma'am.

15 Q During this timeframe, were you still
16 under the supervision of Leanne Scott?

17 A I was.

18 Q And then a moment ago, you mentioned
19 that you also held other roles at River Quest.

20 It appears here that you were also a
21 teacher; is that correct?

22 A I was, yes, ma'am.

23 Q What was the timeframe?

24 A August 2000 to July 2004.

25 Q And prior to that, it appears that you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
52

1 also taught at another location.

2 Where was that?

3 A Yes. That was Oconoe RESA, which is
4 the learning center. And let me see, what is it
5 called now? I think it's just Oconee GNET, if
6 I'm not mistaken.

7 Q Okay. So that -- the Oconee
8 RESA/learning center was a GNETS program?

9 A It was a GNETS program, yes, ma'am.

10 Q Okay. And what was the timeframe that
11 you were at the Oconee GNETS program as a
12 teacher?

13 A It was only half a year. So
14 January 2000 to June 2000 was my first teaching
15 job and they needed someone in the middle of the
16 year.

17 Q Okay. For the record, I just want to
18 note that you also listed that you were an
19 administrative assistant at East Georgia
20 College --

21 A I was.

22 Q -- at one time?

23 A Yes.

24 Q And that was from January 1999 to
25 December 2000?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

53

1 A Yes, ma'am.

2 Q You also listed that you were the
3 associate director of admissions at
4 Brewton-Parker College; is that correct?

5 A That is correct.

6 Q And that timeframe was June 1993 to
7 January 1999; is that right?

8 A Yes, ma'am.

9 Q In your CV, you also listed your
10 experience as a trainer and presenter on several
11 difficult topics. I want to highlight a few of
12 those now.

13 Am I correct in understanding that you
14 are a trainer in the neuro sequential model of
15 education?

16 A Yes, ma'am.

17 Q Okay. And that's often known as NME?

18 A Yes, ma'am.

19 Q What is NME?

20 A NME is basically -- it's Bruce Perry's
21 model and it is basically looking at the brain
22 and how it's developed.

23 We are, of course, bottom up to top,
24 and understanding that development and how
25 children may be being exposed to adverse

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

54

1 childhood experiences, different forms of
2 trauma, complex trauma or, you know, even from
3 early on, being removed at birth or whatever,
4 how it impacts the brain development and how we
5 get kind of stuck in certain parts of the brain.

6 And so it kind of teaches us how to
7 identify what part we're kind of in or using
8 most, and then appropriate interventions to move
9 us out and up because the goal is to get from
10 our amygdala to our prefrontal cortex, and
11 that's pretty much what it is or what it does.

12 There is something called brain
13 mapping, but again, it's just looking at, you
14 know, learning the areas of the -- you know, the
15 brain areas and he focuses on the -- you know,
16 pretty much three areas there; which are the
17 survival, the diencephalon, and the prefrontal
18 cortex.

19 So -- and deescalating -- or calming or
20 providing -- his focus is, which, you know, is
21 great, is providing appropriate psychosomatic
22 sensory input to calm the brain and to regulate.

23 And so his regulate, relate, and
24 reason, the three R's -- those are his three R's
25 -- and that basically goes right along with each

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
55

1 part of the brain, you know, the survival, the
2 diencephalon, and prefrontal cortex.

3 And so you provide somatosensory input
4 because we're bottom up and, of course, the
5 amygdala responds better to that sensory input.
6 Our brain absorbs that information better.

7 So we can provide things like, you
8 know -- you know, walking on a treadmill or, you
9 know, chewing gum or just simple things to
10 deescalate the child looking at those simple
11 things. Maybe it's music, maybe it's, you know,
12 dance or whatever, but just identifying what
13 would be great, you know, at the bottom and
14 providing that input and then moving our way up
15 to the prefrontal cortex.

16 Q So it sounds like you are applying
17 these concepts in your GNETS program currently?

18 A I am, yes, ma'am.

19 Q And I know you just gave a few examples
20 of, you know, having a student walk on a
21 treadmill and a few other actions.

22 On a day-to-day level, how does the NME
23 model -- how is it applicable to your students?

24 A We utilize it. I have -- I developed
25 something called the care room and connect,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
56

1 assist, repair, and engage, and it goes right
2 along with, of course, regulate, relate, and
3 reason, but I didn't want to steal his stuff.

4 And basically it is -- we schedule time
5 in those rooms for our kids that are required by
6 student intensive services that are -- that's at
7 our Level 3 requiring the most intensive
8 supports.

9 We schedule those in there and so that,
10 you know, they come in. You know, they go -- we
11 identify somatosensory input. We get some
12 somatosensory input. And then we take them
13 through -- basically it then becomes an LSCI, a
14 life space crisis in where we take them through
15 the -- we're deescalating so we're draining them
16 off, which is LSCI terms, and then we take them
17 through the timeline, central issue, and we
18 complete a life space crisis intervention with
19 them.

20 So we also use this periodically if
21 we're teaching students to -- we have a
22 trauma-informed PBIS matrix and we'll -- I know
23 we'll get there -- but we're teaching students
24 to use their coping skills along with this, so
25 to regulate.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
57

1 And so one of the things that they can
2 do is ask to have an in-class regulation break,
3 which is our peace corner, you know, area and we
4 have some soothing things there. Or out of
5 class, and which would be our care room.

6 And so if they request it -- that's
7 what we want them to do, you know, that's
8 requesting -- requesting that they need to
9 regulate. That is a core -- of course, that is
10 a skill that is almost -- they're getting ready
11 to transition if they're doing that, okay, but
12 if they request it, they can also use this room
13 to do that and go through the process.

14 Q Okay. Where did you receive your
15 training for the NME model?

16 A Through the neuro sequential folks
17 themselves -- their selves and we went through
18 the online program. It was all virtual. So
19 there was a series -- it was a year -- I believe
20 -- yeah, it was a year-long program. It was a
21 series of webinars that we had to watch and we
22 had to do homework and then we met once a month
23 with them and they would have a course
24 presentation and then we'd ask questions and
25 then they'd give us more homework.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
58

1 It was pretty detailed. And then, of
2 course, we all had to present cases and things
3 like that.

4 Q And to the extent that you're now using
5 it with your GNETS program, did you deliver some
6 form of training to your staff on NME?

7 A I absolutely did, yes. This year --
8 last year, the beginning of last year, last
9 school year, I did on our care model and the way
10 we were utilizing it and it included a lot of
11 the information.

12 I talked to them. They know what NME
13 is. And then were, of course, periodically
14 built-in refreshers, NME refreshers that are all
15 built into our NME access because we have access
16 to their portal now, so there are webinars that
17 are called refreshers for staff and they're
18 about, you know, 15 minutes long. They're not
19 meant to be huge, you know, watch, and so
20 different topics that are -- you know -- we talk
21 about doing NME's in there to refresh and so we
22 provided those like once a month.

23 We also did -- to begin this, just so
24 you know, the best book study we've ever had was
25 the Boy Raised as a Dog by Bruce Perry. And I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

59

1 actually did this with them before we did the
2 NME train the trainer. I loved the book when I
3 read it and I thought it is ideal to teach staff
4 or people about trauma and how trauma impacts.
5 And, I mean, the staff, it was just amazing,
6 had, you know, almost 100 percent participation
7 every time we met.

8 We met virtually because they loved the
9 book. It was a hard read, but they loved the
10 book, and that's kind of when we decided -- that
11 I decided I wanted to do this. And then when we
12 got -- and we -- the first thing with the train
13 the trainer model was a book study on the Boy
14 Raised as a Dog. I had developed my own
15 questions, but then I got the real Bruce Perry
16 questions to use so, you know, hey.

17 Q Okay. And do any other GNETS programs
18 use the NME model currently?

19 A I think that there is one other because
20 we were in training with them, it is Ralph
21 Metro. I believe that is Derrick -- no, Greg --
22 no, Derrick, it's Derrick. I can't remember,
23 what is Derrick's last name? Is it Gilchrist?

24 MS. JOHNSON: Derrick Gilchrist?

25 THE WITNESS: Yes, yes. Yeah, he

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
60

1 and I we -- were -- our groups were in
2 the training together.

3 BY MS. HAMILTON:

4 Q Okay.

5 A Actually, I think he might have been,
6 like, about six months ahead of us, so.

7 Q Okay. You -- a moment ago, you also
8 mentioned that your program uses LSCI, and I see
9 here on your CV that it says you are a master
10 trainer.

11 A I am.

12 Q So, just to confirm, LSCI stands for
13 life space crisis intervention?

14 A It does.

15 Q And what is LSCI?

16 A It is a model in which we teach people
17 or teach students or -- yeah, therapeutic
18 intervention where we're trying to teach
19 students to add language to emotion, you know,
20 process it. Talk through it.

21 It teaches them to -- you know, after
22 you do it repetitively, of course, because, you
23 know, it takes more than once to process through
24 it and to, you know, problem solve and they're
25 different -- there's six different LSCI

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

61

1 interventions, and based on the central issue
2 that the student's having, you know, determines
3 what intervention you select and move with from
4 there.

5 And, yeah, I provide the training for
6 the GNETS, all the GNETS programs and I -- yeah,
7 so being a master trainer means I can do train
8 the trainer.

9 Q Where did you receive your training?

10 A My initial LSCI training was just as a
11 certified person, a certified that I can do it,
12 just like everyone else gets. And that was from
13 -- that was River Quest and that was Paul Baker,
14 Dr. Paul Baker who no longer works with the
15 network. He did that initial certification
16 training.

17 So I went through that and then
18 at Cedarwood, I went through it again with Paul
19 Baker. And then when I became the director of
20 Coastal Academy, I applied because you have to
21 apply to be in the trained -- the trainer
22 portion to become a trainer, and Jeannie Morris,
23 Paul Baker, and Andy Chris were my master
24 trainers that took me through the train the
25 trainer program.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
62

1 Q And who is Jeannie Morris and, I
2 believe, Mr. Chris?

3 A Andy Christ? Jeannie Morris is now the
4 program manager at the Georgia DOE for school
5 climate. She was the director of Cedarwood
6 GNETS program for many years.

7 Andy Chris, it's Andrea Chris. She
8 used to be a school social worker for GNETS, I
9 believe, for Derrick Gilchrist, if I'm not
10 mistaken, but she retired, so.

11 And -- but again, we're required -- the
12 training is also very much like NME setup. It
13 is -- there's webinars online, so Dr. Nicholas
14 Long does some of that training as well, our DA,
15 he passed away this past year who -- he's the
16 father of LSCI.

17 So we have access to a broad range of
18 resources. We're required once every
19 three years to attend the national LSCI
20 conference in -- for trainers in Cleveland,
21 Ohio, and I actually presented at this past one
22 in July in Cleveland.

23 Q How did you become the person
24 designated as the LSCI master trainer for all of
25 the GNETS programs?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

63

1 A I first became -- when I became a
2 trainer, Jeannie Morris was, you know, director
3 of Cedarwood at that point in time and she was
4 the person designated and she and I would do
5 them together. There was like two or three of
6 us for all the GNETS programs.

7 And then the year that I became a
8 trainer, we trained, like, five more trainers,
9 and so I think Jeannie -- just because Jeannie
10 had been my -- was my director when I worked at
11 Cedarwood, my boss. When she left, I guess, I
12 don't know, it just naturally -- everybody
13 naturally assumed it was just going to be me,
14 and that's what it became.

15 And then at that point time, it was
16 just kind of passed down. I was only a senior
17 trainer, but, of course, shortly thereafter, I
18 mean, I -- well, after being a senior trainer
19 for five years, then I became a master trainer,
20 so -- and I've just been doing it. Now there
21 are still only -- well, there were six of us,
22 but many have found other jobs.

23 Now, Coastal Academy has the LSCI
24 trainers so I am a master trainer and then I
25 have two senior trainers on staff and we do the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

64

1 training.

2 Q Okay. Are all of the GNETS programs
3 required to complete the LSCI training?

4 A It is part of the strategic plan, but
5 no, they are not required.

6 Q Looking at your CV, it also says that
7 you are an FDA state trainer with Georgia State.
8 I know we talked about those terms earlier.

9 A Uh-huh.

10 Q How did you become a trainer with
11 Georgia State on these topics?

12 A Okay, so Dr. Emily Graybill, is that --
13 yeah. She -- so a few years back, and I can't
14 remember what year it was, the DOE entered into
15 a contract with Georgia State to provide FBA,
16 BIP training with the GNETS programs. Okay?

17 So -- and Dr. Graybill, of course,
18 works at Georgia State, she's still there, and
19 we were to get a team together from each
20 program. So it was -- you know, we got a team
21 together and -- for my program and I was part of
22 the team. And so when they would work with us
23 -- and I can't remember the guy's name that
24 worked with her -- but anyway, you know, I had
25 -- I don't know. I liked doing FBA's and BIPs,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
65

1 I like numbers and data and I like to -- kind of
2 cause and effect, I like that.

3 And so I just -- I got really excited
4 about it. Not many people get excited about
5 that kind of stuff, you know. So Dr. Graybill,
6 I think as part of that contract with DOE, we
7 were -- they were just like, you know, people to
8 participate in train the trainer, and I was one
9 of those. And so anyway, that's how I became
10 one.

11 Q Okay. And where do you deliver -- to
12 whom do you deliver the trainings?

13 A Me, right now, I do all of them. I
14 mean, my districts, we do -- probably, I do, I
15 mean, three or four a year. I mean, I've got my
16 first one coming up November, I think, 14th.

17 Q And when you say "your district,"
18 you're referring to the districts that are
19 served by the Coastal Academy GNETS program?

20 A Yes.

21 Q Okay.

22 A And, of course, my staff, GNET staff.

23 Q Okay. On your CV, you also list that
24 you are CPS certified provider with
25 collaborative and proactive solutions; correct?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

66

1 A Yes.

2 Q What is CPS?

3 A Okay. So CPS a Dr. Ross Green's model
4 and he wrote The Explosive Child and it's been
5 revised, like, twice, you know, and updated.

6 So basically it is what it says, it's a
7 collaborative process in which, you know, you
8 actually -- the parents or the school system and
9 the child actually sit down and collaborate
10 together to determine what's -- what the issue
11 is, per se.

12 So, you know, it is really, in my
13 opinion, more appropriate for MTSS Tier 2 at the
14 GNET -- in the GNET setting. I feel like the
15 kids that we serve in GNETS, if this would -- if
16 this actually worked for them, they wouldn't be
17 with me.

18 So I think that this is something that
19 would be great as that intervention of the -- in
20 the Tier 2 Level, but basically, there's several
21 different plans, you know, he's got -- there's
22 Plan A, Plan B, Plan C, but basically you want
23 to develop the Plan B with the students so
24 it's -- you know, you sit down with them, you do
25 something called -- well, actually, first you do

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
67

1 an ALSEP, which is assessment, lighting skills,
2 protocol or model or questions that we go with
3 the parent or school system and we, you know,
4 document those deficits and then we determine,
5 by the end of the ALSEP, you know, typically
6 choose one or three you want to work on, that's
7 the problem.

8 And then you have the student come in
9 and you do what's called a Plan B with them, and
10 basically you're developing a behavior
11 intervention plan from that. It has to be very
12 specific, you know, down to what time of day,
13 you know, and what subject area and those kinds
14 of things. Things you would get from data
15 collection, quantitative, you know, FBA
16 functional behavioral analysis data collection.

17 But so basically you're arguing a
18 behavior intervention plan and it's kind of like
19 a compromised kind of thing. You know, at the
20 end, you're going to be saying to the kid, okay,
21 what would it take? What do you need? You
22 know, those kinds of things. And, you know, it
23 makes perfect sense because, you know, special
24 educators, we develop these behavior
25 intervention plans all the time, right?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
68

1 But a lot of times, you know, they're
2 -- it's actually supposed to be developed with
3 the child in mind. Well, not really, I guess,
4 really supposed to be typically because, you
5 know, IDA doesn't legally require functional
6 behavioral assessments, but it's best practice.

7 But, you know, if they did this at the
8 GNET setting, I think it would be very good and
9 be a nice little spin on their BIPs to have that
10 input from the child in there.

11 Q So do you use this model in your GNETS
12 program?

13 A I do. It is on my -- it's like my
14 Level 2. I use it with kids that -- with
15 certain kids, not with everyone.

16 Q And what would be the distinction
17 between the students who you would use it for
18 and the students you wouldn't use it for?

19 A For me, the distinction would be the
20 actual issue, what the issue is. The why behind
21 the issue. And it would be for more of that
22 surface type stuff because -- but technically
23 with CPS and Plan B, you're supposed to go
24 upstream, so beyond the surface.

25 And so, you know, for differentiation

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

69

1 purposes, you know, it's -- really, honestly,
2 I'll have to tell you, there's really no set
3 criteria, but the ones that I have done it with,
4 I've done it with those that I have felt were
5 maybe a Level 2 student by mistake and maybe,
6 you know, like I need to go back and look at
7 some data because sometimes kids often -- you
8 know, their behavior is sometimes difficult to
9 determine and it's disguised and, you know, a
10 teacher may rate them one way, you know, so I'll
11 go back and look at the two different ratings
12 and look at that.

13 But it would be more for those kids
14 where I'm having a difficult time picking out
15 that emotion. Now, it's not just -- that's not
16 -- it's not just for those types of kids, that's
17 not what I'm saying. I'm saying I have some
18 kids that are far more severe that this wouldn't
19 even come close to working.

20 Q And for the students you're saying have
21 more severe needs, this wouldn't work for what
22 reason?

23 A Well, I'm not going to say it wouldn't
24 because I've seen some stuff that has worked and
25 I'm going, oh, my God, I can't believe that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

70

1 worked, but it's very difficult to do this with
2 a kid that has issues with reality, and I know
3 Ross Green says it's not, okay. I've been to
4 his trainings, you know, face-to-face and, you
5 know, but it is very difficult.

6 It's very difficult to do with a very
7 black and white rigid thinker such as a student
8 with autism, but again, the -- Ross Green says
9 it's not but he's never worked in a GNETS
10 program.

11 And so, I just -- it's very difficult
12 to do with certain types of students, in my
13 opinion. And, I mean, I've been doing this 25
14 some plus years and, I mean, I have a lot of
15 experience so I'm going to use my good judgement
16 on it. But I do like it, I love it.

17 I think it's most certainly
18 appropriate. In fact, I have provided training
19 to my districts on it to try to get them to
20 include it at their MTSS Level 2.

21 Q All right. I'm just going to ask you
22 about two or three more items on your CV and
23 then if you'd like, we can take a break.

24 So you note here that you're a trainer
25 for the person brain model.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

71

1 What is the person brain model?

2 A So a person brain model is Dr. Paul
3 Baker's model. When he retired from GNETS, he
4 developed this model and he goes all over the
5 world teaching.

6 And, again, it is just about adding --
7 learning about the different brain states. He
8 uses three different brain states to train the
9 brain and how to -- how, again, students get
10 stuck in a particular brain state and, you know,
11 I had this before NME and so this gave me a lot
12 of information about -- neurological information
13 about the brain.

14 I learned a lot through -- with that
15 with brain development, how it works, and things
16 like that. You know, what stress does to the
17 hippocampus and things like that. Why students
18 can't -- maybe don't perform well on tests and
19 things like that as such.

20 So it does have a model, a very brief
21 model, but, again, it's a short little model and
22 it's mostly about determining what part of the
23 brain they're in and what you need to do, you
24 know, so very similar.

25 Q Okay. And do you use this model in

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

72

1 your program currently?

2 A Yes. It really goes along with NME, so
3 let me just say, we don't refer to it anymore as
4 person brain. It's a good beginning step.

5 Q Okay. You also list here that you're a
6 trainer for youth mental health first aid.

7 What is youth mental health first aid?

8 A Youth mental health first aid is
9 basically a training that I recommend that
10 everybody have, community members, everybody
11 have because it's basically is what it says it
12 is.

13 It's, you know, giving a brief and
14 general overview to school staff, community
15 members. Even there is one for -- to do with
16 the children themselves, specific when a
17 student's having problems, you know. What it
18 looks like and what you can do. You know, it
19 focuses on the thing -- you know, that
20 everyone's a helper and we can be helpers down
21 to the lady that works in the cafeteria and the
22 bus aid and the bus driver.

23 This is the -- oh, gosh, the guy that
24 jumped off the Golden Gate Bridge. He's
25 featured in this. I can't remember his name

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

73

1 right now, the ripple effect, I can just see
2 that, you know, I can see a picture of him. And
3 of course it talks about suicide.

4 It talks about, you know, warning
5 signs, symptoms, but it talks about other things
6 as well. And what you need to do if you come up
7 on a person, you know, or a youth and you --
8 like I said, my area is really children and
9 adolescents that is having a difficult time or
10 having a problem. You know, to be a helper,
11 don't turn away. Go and get someone with
12 training, but, you know, empathize, talk, those
13 types of things.

14 Q Okay. And you provide this in your
15 current GNET program?

16 A I have provided it, yes. I provided it
17 last year. I provide it to my systems as well.

18 Q Okay. And the last thing I want to ask
19 you about is the teach T-E-A-C-C-H alternate
20 program. It says that you have a structured
21 training certification.

22 What is that?

23 A Structured teaching certification. So
24 a long time ago, like when I first started
25 GNETS, was that 2000? I don't know, sometime

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

74

1 when I was at River Quest, we -- I attended -- I
2 had an autistic student, the only one in the
3 building with a bunch of EBD kids. Autism was
4 not as readily diagnosed then and -- but GNETS,
5 or psycho ed at that point in time, utilized --
6 as far as I can remember, and I'm not sure if
7 anybody utilizes it now, but I do -- utilized it
8 in their autism rooms.

9 And I even went toured one of the
10 psycho ed programs that utilized it, and I
11 believe it was either Elam or Griffin Spalding,
12 I can't remember which one that was, but Mimi
13 Goodenraft (phonetic) was the director of it and
14 then I attended the training, and it's a
15 five-day training.

16 And basically, it's a mixture of what
17 you would get as a RBT, registered behavior
18 technician, and what you would get as -- or what
19 you need as an autism teacher. It focuses on
20 visual structure of the room, using visual
21 pictures of the room, visual pictures and
22 schedules and things like that, visuals to
23 teach.

24 And so it's everything structured. How
25 to set up the areas and how to use the areas.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

75

1 So you have -- for example, you have their
2 independent work area. Then we have our ABA
3 table. Then we might have been our break area,
4 and then we have our group area and, you know,
5 making sure that they're doing the appropriate
6 activities in each one of these areas, meaning
7 we don't do group work at our independent
8 stations, you know.

9 It's very structured and these areas
10 are actually structured or you can see the
11 physical boundaries of the area. You can use
12 furniture to do that. And also if you've got a
13 lot of visuals. Visual schedules, you know,
14 that's where I learned to use to PEX and Board
15 Maker and since, I don't use either one of
16 those, I use -- I make my own, you know,
17 there's, you know, just the -- you know, I use
18 the methods, but I use my own pictures because
19 there are a lot of real looking pictures on the
20 internet or I can pictures myself that I found
21 that do better.

22 But -- and it helps provides that
23 understanding of autism that you need and how
24 their brain often categorizes things and how
25 rigid it is, and the more rigid, of course, the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

76

1 better, you know, so -- and, of course, data
2 collection and how to set up a data collection
3 binder and, you know, down to IEP goals and
4 such.

5 So that was a long time ago, but I use
6 it and have used it every day or I'm -- often
7 use it in my EBD rooms if I feel the need, if I
8 think it's necessary to structure it that way.

9 Q And do you train your current staff on
10 how to utilize these strategies?

11 A Yes, I do. And, in fact, I am waiting
12 for another training to open up in North
13 Carolina because I have a teacher -- a new
14 teacher now that I need to actually send, but
15 I'm -- right now, myself and my BCBA, we're
16 training her how to use the method, you know,
17 with our knowledge, so yeah.

18 Q What's the difference between the items
19 that are in bold on your CV in the training
20 provided section and the items that are not in
21 bold?

22 A So the one in bold, there's actually a
23 certification or a trainer, you know, tied to
24 it. The others are just -- I mean, that's just
25 a small piece of what I have of the training

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

77

1 that I've done, or presentations.

2 Q All right. Well, thank you. I think
3 this a good time to take a break. Ms. Futch and
4 Hieu, how much time would you all need for a
5 break? Five minutes? Ten minutes?

6 A Five is fine for me.

7 MR. NGUYEN: Five is plenty for
8 me, unless you need any more.

9 MS. HAMILTON: All right. Then
10 let's take a five-minute break and
11 we'll go off the record, Patrick.

12 THE VIDEOGRAPHER: Okay. We'll go
13 off the record now at 10:33 a.m.

14 (Whereupon, a short break was
15 taken.)

16 THE VIDEOGRAPHER: We were back on
17 record at 10:40 a.m. Please proceed.

18 BY MS. HAMILTON:

19 Q Ms. Futch, earlier in the deposition,
20 you mentioned that you -- that your boss is
21 Richard Smith, the executive director of First
22 District RESA; is that correct?

23 A Yes.

24 Q Okay. Do you report to anyone else in
25 your position as the GNETS director?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

78

1 A Not directly, no.

2 Q Okay. You say not directly.

3 Is there anyone else who you do report
4 to indirectly?

5 A The Board of Control, you know, because
6 that's ultimately Richard Smith's boss, and so I
7 would think that, you know, it's the Board of
8 Control, him, and me. So we -- you know, but I
9 always go straight to him but superintendents do
10 often call, so...

11 Q Okay. And what is the relationship
12 between the First District RESA and your GNETS
13 program?

14 A They're the fiscal agent.

15 Q What is the fiscal agent?

16 A The person that basically -- or the
17 group, you know, whatever, RESA or LEA, the
18 grant, our state grant, our federal money is
19 funded to, and so they manage the money part of
20 it. I do the budget and everything, but they
21 pay the bills and provide, I guess, general
22 oversight.

23 Q Okay. How is your relationship with
24 the fiscal agent or with First District RESA
25 memorialized? Is there a written document that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

79

1 states what that is?

2 A Yes. We do have an assurance agreement
3 that they sign, I sign, and so does the chair of
4 the Board of Control each year and sent to the
5 DOE.

6 Q Okay. And you said that that document
7 is signed every year?

8 A Yes.

9 Q And then sent to the state DOE?

10 A Uh-huh.

11 Q Does your program also have assurances
12 with the local school districts that are
13 participating in your GNETS program?

14 A Not anymore. We used to.

15 Q Okay. Why was there a change?

16 A Don't know. We just got an e-mail that
17 says they're -- we're no longer doing assurances
18 to the LEAs, only to your fiscal agent.

19 Q And who was that e-mail from?

20 A I believe it was Vickie Cleveland.

21 Q Who is Vickie Cleveland?

22 A Program manager at the DOE. I don't
23 know if they call it GNETS there or -- I mean, I
24 know they call it GNETS, but I don't know if
25 it's -- I would assume it's program manager for

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

80

1 the GNETS there at the DOE.

2 Q Okay. So just to confirm, she sent an
3 e-mail confirming that you-all no longer had to
4 complete written assurances with the local
5 school districts that you serve --

6 A Right, and the assurances weren't
7 attached. She sends the assurance agreements,
8 her or Lakesha Stevenson each year before the
9 budget and -- so yeah, I can't remember when
10 that was, so it's -- it's been a minute. I
11 mean, maybe four years ago.

12 And so the only assurances that were
13 attached were, you know, fiscal agent
14 assurances, which, if you were a GNETS program
15 that has a school system as the fiscal agent,
16 then it would just -- that would just go to
17 them, but that was it with that information in
18 it.

19 Q Okay. And you mentioned someone by the
20 name of Lakesha Stevenson.

21 What is her role?

22 A I think she's a program specialist for
23 GNETS at the Georgia DOE.

24 Q Okay. Does she work under
25 Ms. Cleveland?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

81

1 A I believe so, yes, ma'am.

2 Q Okay. And for the assurances with the
3 fiscal agent, what type of information is
4 contained in each -- in the written assurances?

5 A So it just includes information like
6 they agree to ensure that the management of the
7 grant money is -- you know, they're compliant
8 with all laws and things like that, policies and
9 procedures.

10 That they will provide general
11 oversight pretty much to the GNETS director and
12 staff and the program itself. That they will
13 work in conjunction with LEAs to help provide
14 what the GNETS program needs.

15 You know, I can't remember the
16 specifics of it, but that's pretty much it.
17 Indirect -- you know, so basically indirect
18 services.

19 So they -- like I said, we do all the
20 purchasing, all of that kind of stuff through
21 them.

22 Q Okay. And in your role as the GNETS
23 director, does anyone report to you?

24 A Yes. The Coastal Academy staff, GNET
25 staff.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
82

1 Q At a high level, what are your duties
2 and responsibilities as the Coastal Academy
3 GNETS director?

4 A At a high level, is that what you mean?
5 Like?

6 Q General summary.

7 A Everything. The overall running,
8 functioning, day-to-day staffing, FBAs, behavior
9 management, LPC, crisis intervention, suicide
10 evaluations, if I have to do them,
11 psychologicals, angry parents, IEP meetings,
12 just everything and anything revolve -- having
13 to do with mental health.

14 Community members, working with the
15 community liaison, special education compliance
16 and laws, management of personnel, staff, and
17 yeah, I get involved in a lot of student issues,
18 you know, just in general. Is that enough?

19 Q We'll explore each of those as we go
20 on, but if anything else comes to mind, feel
21 free to note it.

22 I just want to ask you about just any
23 committees that you've served on or working
24 groups in connection with the state DOE or other
25 agencies.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

83

1 You served on the GNET Strategic
2 Planning Committee; is that correct?

3 A Yes, I did, with Nakeba, the initial
4 strategic plan, uh-huh.

5 Q Okay. Who is Nakeba?

6 A Nakeba Rame was the GNETS program
7 manager and then became director of federal
8 programs at the DOE before Vickie, and she a
9 medical issue and then had to go out.

10 Q Okay. And so you were on the strategic
11 planning committee.

12 What was the purpose of the committee?

13 A To -- the initial purpose, from my
14 understanding, was to -- of the committee, it
15 was developed to address the -- you know, to
16 evaluate the overall program and address it's
17 effectiveness of the things in place to ensure
18 that we were doing, you know, common things and
19 services were equitable.

20 And this came about right after -- it
21 was either -- no, 2015 was the suit, right? So
22 it came out -- I think it came out right after
23 the letter of findings, or maybe the suit, one
24 or the other.

25 Q And how did you end up serving on that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

84

1 committee?

2 A She asked me to.

3 Q Who else was on the committee?

4 A Oh, God.

5 Q If you don't remember names, that's
6 okay but --

7 A I don't.

8 Q -- what were the roles of the people?
9 Were they all GNETS directors?

10 A Some of them were, but there were other
11 folks, I believe, on the committee. There were
12 other stakeholders. I think maybe a special ed
13 director, maybe someone else from the DOE.

14 I don't know if anybody from DBHDD was
15 on there or not. I don't think so. That's what
16 I can recall. But there were other
17 stakeholders, I just don't remember their
18 official titles.

19 Q Okay. What were your responsibilities
20 as a strategic plan committee member?

21 A We met, and I can't even remember what
22 area I was responsible or work -- I'm sure it
23 was the therapeutic services area and
24 interventions that I was responsible for working
25 in, but it was just -- you know, we would all --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

85

1 I'd have to go back and research, you know,
2 information and some of us went and saw things,
3 put things together.

4 But it was just working on, again,
5 addressing issues and making things more common,
6 you know, trying to identify our common
7 practices.

8 Q What was the final work product or
9 products that you-all were working toward?

10 A What we were working toward? It
11 actually became more like a writing scale, sort
12 of, where GNETS programs would do a
13 self-assessment at the beginning of the year,
14 mid year, and end of the year, and then DOE, of
15 course, would meet with us on our end of the
16 year rating and we'd submit the information to
17 them and they'd go through it to make sure, you
18 know, kind of -- to document how we were meeting
19 those -- that -- those areas.

20 Q What was your opinion of the document
21 that you-all created? So there was a strategic
22 plan and then this re-break and ratings that you
23 just mentioned?

24 A I liked the fact, to be quite honest,
25 that it was putting more structure to our

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

86

1 program and more best practices in place because
2 it was about best practices and, you know, the
3 research and that it made things more common as
4 well.

5 So, you know, when we had kids and we
6 could explain the program a lot easier, we
7 didn't look as different, that was the idea.
8 And I did very much like that. I do think, you
9 know, it ultimately became a way that we were
10 monitored, you know, for compliance with these
11 issues.

12 You know, they didn't slap our hand or
13 take any money or anything like that, but, you
14 know, they -- we were always given -- you know,
15 initially when we started, they gave us rating,
16 but then that changed.

17 And so -- but I did find that --
18 because I liked -- I like accountability and I
19 did find that I thought, you know, it did make
20 us more accountable for doing these things.
21 And, you know, I'm sure you can tell by the way
22 I answer these questions that I was the GNETS
23 director, that when I submitted my stuff, man,
24 we had, like, a ton of stuff because I like
25 words and documentation but, you know, so --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

87

1 But as far as the product goes itself,
2 it was okay initially, but, of course, as things
3 happened, things changed, there were -- you
4 know, and once we got into it, there were
5 changes that, you know, some of the things we
6 were submitting were the same in each area and
7 so we really needed to condense it some and take
8 some of that out to make it more, you know,
9 condensed where we're still submitting the same
10 information.

11 Does that make sense?

12 Q It does. Are there any specific
13 examples of things that were changed?

14 A No. It was -- well, it was more about,
15 like, you know, let's just say in the initial
16 section, the first section leadership, or I
17 can't remember what it's called, program
18 evaluation solution, like that, and it was
19 about, you know, rough -- basically it was how
20 are we -- you know, are we updating our
21 stakeholders, making them aware, involving them
22 in the process and providing that leadership
23 overall.

24 And in -- you know, that's mostly the
25 GNETS directors areas, but I was submitting

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

88

1 documents there as documentation that I was also
2 having to submit in professional learning, you
3 know, therapy -- therapeutic intervention and
4 services, academic professional learning, just
5 different places such as beginning of the year,
6 you know, staff meeting sign-in sheets or copies
7 of surveys or survey results that were
8 completed, things like that that were just so
9 redundant.

10 Travel, shew, you know, we could submit
11 travel as documentation when we attended these
12 workshops in multiple places.

13 Q Okay. Thank you for sharing those
14 examples.

15 I'd like to show you a document. I'll
16 share my screen a moment.

17 I'd like for the court reporter to mark
18 this as Document 541, as Plaintiff's Exhibit
19 541.

20 (Whereupon, Plaintiff's Exhibit
21 Number 541 was marked for
22 identification.)

23 BY MS. HAMILTON:

24 Q And, Ms. Futch, I am showing you
25 Plaintiff's Exhibit 541. This is a document

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

89

1 titled the Georgia Network for Educational and
2 Therapeutic Support Strategic Plan.

3 A Uh-huh.

4 Q We actually received this document from
5 your program in response to the United States
6 subpoena requesting documents.

7 A Uh-huh.

8 Q Do you recognize this document?

9 A Yes, I recognize that. Yeah, the front
10 page, uh-huh.

11 Q Okay.

12 A Now, I won't recognize it as mine until
13 we get down and I see -- okay.

14 Q I understand and, in fact, let me give
15 you a moment -- obviously you don't need to read
16 it page by page, but if you just want to take a
17 quick look to verify.

18 A Okay.

19 Q And then just let me know when you're
20 ready.

21 And as you're scrolling, I'm just going
22 to -- for our internal records -- that this
23 document was labeled Coastal Academy 003043 and
24 it has the name FY21 Strategic Plan.

25 A Yes. I recognize it as mine.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

90

1 Q All right. Great. All right.

2 Ms. Futch, is this the Fiscal Year 21 Strategic
3 Plan that you submitted to the state DOE?

4 A Hold on. Yep.

5 Q Is every GNETS program expected to use
6 this plan template when they're completing their
7 strategic plan?

8 A They are.

9 Q And I know you mentioned a moment ago
10 that there are various stages to the strategic
11 plan process.

12 Can you walk me through those again and
13 let me know where this document falls into that
14 process?

15 A The one that's up now falls?

16 Q Yes.

17 A This page or the entire document?

18 Q I'm sorry, the entire document.

19 A Okay. All right. So the strategic
20 plan process, again, is -- you know, it was
21 designed to be best practices, current research,
22 and to, again, guide GNETS into some common, you
23 know, practices and things as such.

24 So, this, in itself, is the -- our
25 rating. It is our self-assessment that we take

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

91

1 that -- or whatever -- at the beginning of the
2 year, and this is also our mid-year assessment,
3 and this is our post-assessment, and this was
4 the post that was submitted for Coastal Academy.
5 Okay?

6 Q I'm sorry to interrupt you, but just to
7 make sure I understand.

8 So when you're saying this is the
9 post-assessment, the mid-year and the post,
10 you're completing the same document at different
11 points in the school year --

12 A Yes.

13 Q -- is that correct?

14 A That is correct.

15 Q Okay. And the document that we're
16 looking at is the one you completed at the end
17 of the year?

18 A Right, post, uh-huh.

19 Q Okay.

20 A So -- and, again, each of these areas
21 is addressed or should be addressed in the
22 program, and this would be -- of course we've
23 got the program accountability and leadership,
24 and do you want me to go through each of these
25 areas?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

92

1 Q You don't have to talk through each of
2 the areas. I'm just trying to get a sense of
3 the various documents that are imbedded within
4 the plan.

5 A All right. You want a sense of the
6 documentation to support?

7 Q Correct. So it looks like here, these
8 are just directions for completing the
9 self-assessment rating; correct?

10 A Yes, uh-huh.

11 Q And then the pages that follow, a lot
12 of these -- is this -- this is the
13 self-assessment ratings too?

14 A Yes, and the mid-year and the post,
15 uh-huh.

16 Q Okay. And so then it looks like
17 further down in the document, there's a
18 self-assessment outcomes and improvement summary
19 plan.

20 A Yes.

21 Q How is that different from the ratings
22 that you were doing?

23 A It's not. It's -- you know, actually,
24 you know, and they haven't changed the name and
25 maybe we should, but -- and we actually do this

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

93

1 ourselves. The DOE does not do this on our
2 information. We talk through it at the end with
3 them -- Okay? -- but this is really -- the only
4 time we complete this plan here is at our
5 post -- Okay? -- for the other two, we don't.

6 And the self-assessment itself, like
7 the first one is not even required. Some of us
8 do it, some of us don't, but the mid-year, the
9 one before December, January is required and the
10 post.

11 So this is just -- this last one is
12 done as a result of our post ratings and this
13 document here basically talks about, you know,
14 our priority, you know, where we're prioritizing
15 for the upcoming year and what -- you know, or
16 how we plan to sustain, if we got a higher
17 rating, how we plan to sustain that, or how
18 we're going to make improvements in that area if
19 it's a low rating.

20 Q Okay. As part of the self-assessment
21 or as part of the strategic plan process, it
22 sounds like you have an opportunity to sit
23 down -- or maybe you should tell me.

24 Is there an opportunity where you're
25 able to sit down with state DOE personnel to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

94

1 talk through your plan and assessments?

2 A Yes. They actually send us -- now
3 before COVID, they actually came to every
4 program. But after COVID, they send us an
5 e-mail with our dates for our virtual meeting
6 and, of course, we have -- they give us a
7 deadline to have everything submitted because
8 all the documentation actually goes into the DOE
9 portal. And so we get our date, our meeting
10 date is virtual, and we do it virtually and we
11 go through it.

12 Q Who from the state DOE participates in
13 this meeting?

14 A Vickie Cleveland and Lakesha Stevenson.

15 Q And when you say you go through the
16 plan, what does that look like? Are they
17 providing you with feedback? What else happens
18 during those meetings?

19 A Yes. They provide us with feedback.
20 So we go through each area, you know, with our
21 ratings and, you know, I'm pretty honest with,
22 you know, weaknesses and stuff, but, you know,
23 they provide us with feedback and then, you
24 know, I think at the end -- you know, and they
25 tell us typically whether they agreed or not.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

95

1 Like -- you know, and it's really not
2 threatening at all, you know, and, you know,
3 based on, you know, they'll say, well, you know,
4 well, you know, I agree with that, yeah, and
5 I've not ever had them disagree or anything with
6 me. I mean, I'm not really waiting for them to
7 agree. They don't automatically say it, but
8 most of the time they do, and so that's pretty
9 much it.

10 Q And earlier you mentioned that at the
11 beginning, the state DOE would provide the
12 programs with the state's own rating; is that
13 correct?

14 A Yes. The first two, if I'm not
15 mistaken, the first two ratings actually ranked
16 us, and I don't know if they meant to do that
17 but it ranked us by scores and they sent it out
18 to everybody.

19 Q Okay.

20 A I don't know if they meant to do that.
21 Maybe they just meant to list it, I don't know
22 but -- but they stopped doing that. I think a
23 lot of GNETS directors complained.

24 Q Okay. I was just going to ask you, do
25 you know why that changed?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

96

1 A Not me. I was -- I think -- I think I
2 was number two, number three. I was right there
3 so I didn't complain, but a lot of GNETS
4 directors complained.

5 Q Are you aware of any changes that are
6 being made to the strategic plan process for the
7 current school year?

8 A No.

9 Q Okay. Are site visits part of the
10 strategic plan process?

11 A No. They come -- I haven't -- like
12 Nakeba, Nakeba came and did -- you know, would
13 walk through with us and walk through our
14 buildings, you know, each program. She got out
15 and about but, no, not since that.

16 Now I don't know how -- about other
17 GNETS programs. Maybe they are part of their --
18 I don't know. Maybe they do things differently,
19 but Vickie, no, she actually just recently had
20 an issue with -- was going to see another GNETS
21 program and stopped by the Brunswick site on the
22 way a few weeks ago just to say hello, how are
23 you doing.

24 Q Okay. I'm going to stop sharing my
25 screen.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

97

1 And I want to ask you about a few other
2 just statewide committees and/or meetings that
3 need your participation.

4 Do you participate in the statewide
5 GNETS director meetings?

6 A I do.

7 Q What are those meetings?

8 A It's a way for GNETS directors to get
9 together and collaborate, and also the DOE
10 usually provides an update on, you know -- or
11 some type of TA or professional learning.

12 Q Who participates in those meetings on
13 behalf of the state?

14 A Vickie Cleveland, Lakesha Stevenson,
15 and then, of course, if the area -- whatever
16 area they decided to provide TA on, that
17 particular DOE person provides that
18 presentation.

19 Q Have you ever served on the GNETS
20 director's executive committee?

21 A No, ma'am.

22 Q Do you know what their role is?

23 A To listen to the GNETS directors, to
24 help plan with the state, bring our concerns,
25 you know. They always plan -- you know, with

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

98

1 Vickie, they planned the directors meetings, you
2 know, Vickie -- you know, they get together and
3 they plan with her and, you know, if we do any
4 kind of, you know, GNET statewide professional
5 learning, sometimes we do that in the summer, we
6 plan that. So anything relative to that.

7 Q And how often does the -- do you all
8 meet as GNET directors?

9 A We used to meet monthly. We don't do
10 that anymore. I mean, maybe every other month
11 or so, and it's usually an hour.

12 Q And are those meetings in person or
13 virtual?

14 A Virtual.

15 Q Do you find those meetings to be
16 helpful in your role as the GNETS director?

17 A No.

18 Q Can you elaborate?

19 A The technical assistance being
20 provided, no.

21 I mean, I've been here doing this, a
22 lot of the technical service provided is for new
23 directors. You know, and I get it, if there are
24 changes, we need to hear it.

25 Occasionally, there's new information

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

99

1 that they may present that is good, but the best
2 thing for me is any collaboration with GNET
3 directors, the actual GNETS directors because,
4 you know, I like to listen to what other
5 assistance -- other programs are doing with
6 what. I mean, I think that's really good, you
7 know?

8 And we used to do a lot more of that.
9 We used to get together and meet for a day and
10 it was just a little DOE and the rest was us.
11 We would set up different -- different programs
12 would present different things they were doing
13 and that was outstanding.

14 And we do need TA from the DOE, I mean,
15 we certainly do, but, again, most of it geared
16 toward new directors and I have the same
17 presentations year after year. I mean, of
18 course I'm there, I attend, you know, but...

19 Q Was there a particular point where the
20 focus of those meetings shifted?

21 A Yes. Let's see. It's been a while,
22 you know, now because we would have to come from
23 all over the state to -- if we were going to
24 travel anywhere, it needed to be longer than an
25 hour so it was kind of ridiculous to go for an

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
100

1 hour to do it virtually, but I would say that
2 most definitely, COVID changed everything.

3 But COVID, I mean, it did change
4 everything and nobody wants to sit in a virtual
5 meeting for eight hours, that's ridiculous, but
6 those meetings got a lot shorter at that point
7 in time. But they used to be more active, more
8 involved, and that was pre -- I would say
9 pre-DOJ lawsuit, I think, maybe 2015, 2014,
10 somewhere like that.

11 Q Okay. Are you aware of efforts made by
12 the Georgia State Assembly last school year to
13 potentially change the funding stream for the
14 GNETS program?

15 A Yes.

16 Q What did you know about those efforts?

17 A Well, what did I know is actually -- I
18 actually knew that -- I had done the math. I
19 got the thing that morning because I'm on
20 whatever list and -- the proposed budget and
21 looked through it and I was like, holy cow, to
22 me, this looks like it's not being funded.

23 And then called Richard Smith and
24 apparently no one knew and other GNETS directors
25 were then e-mailing and so it -- basically what

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
101

1 I knew is what everybody else knew, is that they
2 were, you know, reallocating the money. It
3 wasn't going to be funded in a GNETS grant. It
4 was going to go back to school systems and QB
5 but, of course, not funded as much. Like 25
6 million short, I think, or maybe even more than
7 that short from the grant. But that -- that's
8 what I knew.

9 Q Was this topic ever discussed at any of
10 the GNETS director meetings?

11 A We had -- yes, we had -- not prior to
12 that because, you know, it snuck up on us. But
13 actually, it took a while because we didn't hear
14 anything from DOE for -- I mean, like -- we were
15 like, where are the DOE? Where's -- where they
16 at, you know, but then finally we got an e-mail
17 and we had a director special -- a call
18 directors meeting with Wina Low and Shaun Owens
19 and Vickie.

20 Q And what information did they share in
21 terms of what they knew regarding the proposed
22 changes in the funding stream?

23 A That they knew nothing. That was
24 pretty much it. It was -- yeah, that was pretty
25 much it. And they just wanted to convey, you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
102

1 know, that they understood that we were upset
2 and, you know, all of that.

3 Q Are you aware of any changes -- so it
4 sounds like a lot of the proposals didn't
5 ultimately go through, but are you aware of any
6 changes for next school year that might impact
7 funding for the GNETS program?

8 A I'm not aware of changes because many
9 -- no decisions have been made, but just like
10 you, I'm aware that they -- you know, and with
11 the budget they, you know, ordered a
12 recommendation by November 1st, and I believe
13 that was from DOE or whatever and I think a
14 couple of committees have been developed, but I
15 -- other than that no. No, I -- no -- nothing
16 has been decided or anything like that.

17 Q I want to ask you about one or two
18 other committees.

19 Are you familiar with the LEA
20 collaborative?

21 A Yes.

22 Q Okay. Do you participate in those
23 meetings?

24 A Yes. And I'm assuming you're talking
25 about our -- our GLRS district collaborative

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
103

1 meetings with LEA, yes, I do.

2 Q What happens during those meetings?

3 A Well, it's -- again, it's all TA from
4 the DOE. Some of it is relevant to us, a lot of
5 it isn't. But that is -- actually, I like going
6 to those meetings because it is the one time I
7 can get all my special ed directors in one place
8 and we collaborate and we talk about things.

9 And if there's GNETS issues, I actually -- you
10 know, at least from my GLRS, I don't know how
11 the others do it, but, you know, I'm on the
12 agenda every month and got some concerns, need
13 some help, you know, need whatever, it's my
14 opportunity to put them all together in a room
15 to get that done.

16 I think they're pretty beneficial and I
17 do think it's more of a collaborative community
18 because we can put our heads together, and we do
19 that, you know, we problem solve.

20 Q Does anyone from the state DOE
21 participate in those meetings?

22 A There is -- I believe each GLRS
23 district has a DOE program specialist liaison
24 that participates, so we have one.

25 Q Okay. And what is their role during

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
104

1 the meeting?

2 A Provide updates from the DOE and then
3 just participate in our discussion.

4 Q Okay. Are you familiar with the IDT
5 Committee or the Interagency Directors Team
6 meetings?

7 A The directors team meetings or local
8 interagency planning meetings?

9 Q So not the local ones, but from the
10 statewide level, the interagency directors teams
11 or IDT meeting?

12 A I am not.

13 Q Are you familiar with the local, I
14 believe it's the LIPT meetings?

15 A Yes, I am.

16 Q Okay. What are those meetings?

17 A Those meetings are where, you know, the
18 community resources or any wraparound or any,
19 you know, DFCS, DJJ, whatever we have, kids are
20 referred in and out, you know, needing
21 additional wraparound services or needing
22 additional resources and we meet on those
23 students, on those kids, and as a team, problem
24 solve and, you know, see what we can put in
25 place.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
105

1 Q And do you participate -- do you
2 participate in those meetings?

3 A I have someone that does, and depending
4 on -- often I do depending on if it's one of --
5 if it's -- we often have GNETS kids that we
6 present there, and so yes, I always have a
7 participant there because we're required to,
8 it's a state board rule.

9 But often, I participate depending on
10 the student that is -- that's being presented
11 from us.

12 Q Okay. All right. I actually want to
13 shift gears and want to talk more about just
14 your program in particular, but also just your
15 understanding of the GNETS program.

16 So taking a step back at a 40,000 foot
17 level, what is your understanding of the purpose
18 of the GNETS program?

19 A The GNETS program is, you know, on the
20 continuum of our local district special
21 education services, you know, continuum of
22 services, whatever, and, you know, it is
23 developed to prevent kids from being
24 residentially placed or to, you know, decrease
25 that number.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
106

1 But I like to think from my per -- you
2 know, it's -- also does a lot more than that,
3 you know? It takes our most at-risk kids and
4 provides needed therapeutic supports and
5 interventions that improves them, you know, the
6 whole child, the whole aspect of it.

7 Q Has the purpose of the program changed
8 in any way over time?

9 A No, not that I can recall. I mean, the
10 mission statement and all may have been written
11 a little differently but it still -- it still
12 had the same purpose, same meaning.

13 Q And you noted that one of the goals is
14 to prevent kids from being placed in residential
15 facilities.

16 What has been your experience with that
17 as a GNETS director? Have you -- yeah, do you
18 have any way of measuring that or tracking that?

19 A Uh-huh. We keep that data annually and
20 it is recorded annually to the DOE.

21 And are you asking if it's -- has it
22 done it's job?

23 Q Basically, yes, yes, ma'am.

24 A Some years, yes. Some years, no. The
25 last four years, yes.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
107

1 Q And how -- how -- how do you measure
2 that or how do you capture that it is, in fact,
3 preventing kids from being placed in a --

4 A Well, and here's the thing, if you're
5 asking me statistically from a, you know,
6 researcher, educational standpoint, do I know
7 that it's a significant difference or decrease,
8 I don't.

9 I'm not doing those type of measures.
10 I'm not doing a T-test or anything like that,
11 but how I track it is when students are
12 hospitalized and we typically know whether it's
13 short-term, you know, two to three days or three
14 to five or long-term, we typically get -- DBHDD
15 sends an initial records request usually within
16 24 hours of the kid being admitted there or the
17 parent calls us because we have good
18 relationships with the parents.

19 And, you know, we mark their attendance
20 as -- we have a code for that and, you know, in
21 our attendance Power School or SIS for
22 residentially placed -- or excuse me,
23 hospitalization, residential or whatever.

24 And so we're able to keep track of it.
25 That's how we track it and that's what we mark

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
108

1 every day until we get a final, you know,
2 release of records noting long-term placement or
3 whatever -- Okay? -- and so -- so that's how I
4 have that and I can pull that information each
5 year and I, of course, do.

6 And then I submit the number of
7 hospitalizations, long-term and short-term, to
8 the DOE with -- along with my grant application
9 that I submit annually. And no, but I am not
10 running a T-test and so, let me just say this.

11 So yes, I can say that some years, you
12 know, it has decreased. Some years, it's been
13 higher. The last four years, you know, we've
14 seen a decrease each year. But can I say,
15 beyond a shadow of a doubt, it is due to the
16 therapeutic services, interventions, or the
17 services themselves that the GNETS program has
18 provided, absolutely not, and I can't say that
19 it's a statistical difference, but I can say
20 that it's had impact.

21 Q What makes a student eligible to
22 participate in the GNETS program?

23 A They must first be in special education
24 and have an IEP. They must demonstrate or be
25 demonstrating behavior with such intensity,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
109

1 frequency, and duration that all interventions
2 have been exhausted at the LEA setting and are
3 -- have progress monitor data to prove that it's
4 not working.

5 There must have been, you know, and FBA
6 done within a year, a new BIP that has been
7 developed as a result of that. And, again, it's
8 got data to support that it's not working. The
9 system must, again, exhaust their continuum.

10 There are sometimes, however, that we have kids
11 that, you know, are in special education and,
12 you know, for example, I had one one year that
13 was in special ed for an LD and was kidnapped
14 and locked in a closet for several weeks and
15 watched a man rape his sister over and over and
16 then rape him.

17 And then, of course, when, you know,
18 they went through residential treatment, all
19 that kind of stuff, came back, starting to
20 having some difficulties, some major difficulty,
21 he never had difficulty before. I got involved
22 and I was like, oh, bless it, you know, and
23 let's see what we can do. And in my opinion, I
24 -- that kid needed to be with me, and he did.

25 And so I -- there were, sure, other

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

110

1 things that they could have done, but I went
2 through that with him and we actually got him to
3 a place where he did transition back and
4 graduated from high school.

5 But there are situations like that that
6 also, in my opinion, warrant, not because -- but
7 because they need those services that are not
8 provided there.

9 Q So I just want to make sure I
10 understand.

11 For that example, are you saying that
12 the student didn't meet official eligibility
13 criteria but there were other reasons you felt
14 he needed to be served?

15 A Well, he met -- let me just say this.
16 He was demonstrating behavior with such
17 frequency and duration and, you know, that they
18 were unable to get -- you know, and it happened
19 -- started happening really fast.

20 So let me just say that, for example,
21 an FBA on this kid had not been done, and this
22 was the end of the school year. So I actually,
23 with this kid, worked with him throughout the
24 summer, had his parents bring him up and worked
25 with him some. Did some behavior stuff with

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

111

1 him. Did an informal, the BBQuIP with the
2 parents and the school staff, not anecdotal data
3 collection ABC, but the BBQuIP, which is a
4 Georgia state tool.

5 And so by the time services became to
6 discuss services, that was in place and a
7 behavior intervention plan had been written as a
8 part of it. But keep in mind, this young man
9 would not, at one point, stop, would not go to
10 -- would not even attend -- be in a classroom
11 setting.

12 Q And so for that student, would you
13 have -- because I know there's a referral
14 process involved with the child being placed in
15 GNETS.

16 Would you have participated in his IEP
17 meeting?

18 A I did, but initially for that student,
19 I got a consultation request and that's how I
20 got involved. So they didn't initially -- the
21 first thing they did was -- because I actually
22 asked my folks, once we started with that, I
23 believe it was two or three years ago, to let us
24 come to observe first, if possible, and provide
25 recommendations, and they started with that.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
112

1 Q Did the IEP team agree with your
2 recommendation for that student to be placed in
3 GNETS?

4 A Yes.

5 Q Okay. And as a general matter, does
6 the state DOE set the eligibility criteria for
7 GNETS program?

8 A Well, it is a state board rule and
9 state board rules are -- you know, there's a
10 process to developing one.

11 So they develop a draft. The last one
12 -- I mean, the state board rule has changed, I
13 think, once. I mean, you know, I can't recall
14 when that was, it was a few years ago.

15 And, again, we help make -- we helped
16 the DOE develop that draft, the GNETS directors
17 did. And then, of course, there was a series of
18 stakeholders meetings and things like that where
19 they got input from stakeholders and such, and
20 then it was voted on by state board -- DOE.

21 Q And in that rule, it sets forth
22 eligibility criteria for the program?

23 A Yes, for GNET services, yes, ma'am.

24 Q And when would a successful GNETS
25 experience apply for students who are being

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
113

1 observed by Coastal Academy?

2 A Well, that's unique to the individual,
3 to the individual student. You know, I would
4 think that, you know, the majority of students
5 would say a successful GNETS, you know,
6 intervention or service, whatever we would call
7 it would be to where they come in, you know,
8 they get assistance with, you know -- that, you
9 know, whatever their main issue is, and a lot of
10 times, you know, it's not the referring issue is
11 when we get them.

12 We able -- would go underneath and
13 there's a bigger picture there, but they get
14 assistance, they learn to deal with that, learn
15 to cope, then we transition them and they stay.
16 They stay in the LEA and they graduate, you
17 know?

18 But there are also some students that a
19 successful GNETS experience includes coming to
20 school every day in a safe environment where
21 they're loved and cared for and nurtured and
22 they are meeting their goals and they have
23 privileges and things like that, and then we try
24 to send them back and they sabotage it. Or they
25 find out they've met their goals and they start

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
114

1 sabotaging ahead, and this is not part --
2 success experience, you know, they don't want to
3 leave, you know, they're afraid.

4 So then I would say then, you know,
5 we've got more work to do. But for some, they
6 consider that a success and I guess if I -- you
7 know, I got that student -- I mean, honestly, if
8 I got that student and they were kicking and
9 screaming and, you know, just are cutting
10 themselves or, you know, I mean, just a variety
11 of things I've seen and we've got that under
12 control and it stopped and, you know, I got him
13 to that point, that's a success, okay, that I
14 even transitioned him and got him there to
15 transition, or the program did, to me, that's a
16 success.

17 Sometimes they do come back and do I
18 count that as a success? I don't count it as a
19 failure because you've got to think about the
20 environments, where they're coming from this and
21 going into that. And yes, we do put a
22 reintegration plan in and supports in place, but
23 ultimately, I'm not over there making sure those
24 supports are getting done. And then, too,
25 again, it's the size of the building, the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

115

1 environment's all different. It all comes to
2 play there.

3 Q I do want to talk to you a bit about
4 the reintegration process, but let me ask you
5 just some very basic questions about your
6 program first.

7 Coastal Academy is one of the 24
8 regional GNETS programs; correct?

9 A Yes.

10 Q Which counties are currently served by
11 Coastal Academy?

12 A Currently served is Glynn County, Wayne
13 County, Long County, McIntosh County, Liberty
14 County, and Bryan County.

15 Q All right. At some point, did you also
16 serve Camden County?

17 A We did, up until this year.

18 Q Okay. What changed with Camden
19 specifically?

20 A So that was a decision that was a
21 Coastal decision. I guess that would be me and
22 I got approval from our executive director,
23 RESA.

24 Camden, due to COVID-19, staffing
25 issues had just been rampant and we trained

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

116

1 staff and then they'd leave us and they -- we'd
2 train -- and in the mental health, you know, I
3 know that, you know, you're aware that December
4 7th of, I believe, '21 or 2020 -- I can't
5 remember that -- the secretary -- you know,
6 what's the guy, the secretary of state or maybe
7 education, I can't remember, anyway the federal
8 dude, I forget his name -- issued that we were
9 in a state of crisis with our youth mental
10 health, you know, mental health crisis, right?
11 That's the truth.

12 Mental health has been very rampant and
13 so it's been very difficult being short staffed,
14 keeping those staff. At my Camden site, you
15 know, that had been my most consistent site, but
16 also my very smallest site with maybe 30 kids,
17 tops, on an average served, and I had staff
18 there. I mean, you know, consistent staff.

19 But also, as far as, you know, being
20 funded for those services that we were provided
21 in Camden, you know, to actually pay for that
22 staff, those students -- you know, Camden does a
23 very good job with their, you know, students.
24 That 30 did not quite fund it and we were always
25 kind of in the hole.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

117

1 Now, I never had to ask that system for
2 money because, you know, I serve -- we serve
3 seven counties so there was money there, but,
4 you know, again, the decision was made that
5 overall, that it would be best for the GNETS
6 program, would be able to provide better
7 services, more focused services because -- to
8 have that additional staff as well.

9 And, you know, we also kept into
10 consideration, we provided a plan as to how we
11 would do this with them, with Camden County to
12 do that, to back out and to -- we offered to --
13 because at one time, we were school-based there
14 and I had three classes. I had one in an
15 elementary school, one in the middle, and one in
16 the high, and we offered -- you know,
17 recommended that they go back to school based.
18 And with, you know, the educational staff, you
19 know, let me have the other piece, and that we
20 actually provide support and training to their
21 staff, you know, to do it that way.

22 And -- but Oconee, Okefenokee RESA is
23 in that area and they are -- the Camden County
24 School System themselves are a member of the
25 Okefenokee RESA, not First District RESA, which

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
118

1 is the fiscal agent of Coastal. So they decided
2 to go there with Oconee and RESA at that point.
3 And it has been -- I mean, it did what I thought
4 it would do, if that makes sense as far as
5 staffing purposes and focus and all for Coastal
6 Academy.

7 Q And you said that change took effect
8 this current school year?

9 A Yes.

10 Q Have there been any other changes in
11 the school districts or counties served by
12 Coastal Academy in the last five to six years?

13 A Yes. Wayne County was served by
14 Cedarwood, and I believe that was four years
15 ago, and they came to me because they're Baxley,
16 the Baxley site.

17 One of their sites closed, the
18 Cedarwood sites, and my Liberty site was closer,
19 actually, only 20 minutes or 30 minutes from
20 them to transport their kids versus where they
21 were going to have to transport them -- or
22 actually -- yeah.

23 And so Wayne County came over to then
24 Coastal Academy. And that was a very easy swap
25 because Coastal Academy and Cedarwood have the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

119

1 same fiscal agent, First District RESA, so yeah.

2 Q When these changes are made, do you
3 have to alert the state DOE?

4 A I do, and I did.

5 Q And what is their role, if any, in the
6 process after they've been alerted?

7 A Well, with the Wayne County one, you
8 know, they really were like, oh, this is simple,
9 you guys are under the same fiscal agent, yes.
10 You know, they just kind gave us some guidance,
11 you know, with that and noted, you know, that
12 swap.

13 And with the Camden County this year, I
14 got, okay, let me know when, you know, the
15 decision is made, and I tried to get some
16 guidance but I got -- you know, because this was
17 a bigger issue because it wasn't the same fiscal
18 agent. We have materials. We have inventory.
19 We have, you know, all these things and, you
20 know -- so told me to talk to my business folks
21 at First District RESA.

22 So I talked to them, they told me to
23 talk to my person at the DOE, which I had
24 already talked to and went back to and, you
25 know, they referred me to somewhere else and we

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
120

1 just eventually wound up working it out between
2 the two RESA's and GNETS programs.

3 Q I'm going to show you a document. One
4 moment.

5 I'd like for the court reporter to mark
6 this next document as Plaintiff's Exhibit 542.

7 (Whereupon, Plaintiff's Exhibit
8 Number 542 was marked for
9 identification.)

10 BY MS. HAMILTON:

11 Q And, Ms. Futch, I'm now showing you
12 Plaintiff's Exhibit 542. This is an e-mail
13 dated March 21, 2019.

14 A Yes.

15 Q From you to Vickie Cleveland, other
16 individuals copied. The subject is Wayne County
17 School System GNETS relocation FY20 --

18 A Uh-huh.

19 Q -- as an attachment. The first page --
20 I'm just going to scroll down -- is Bate stamped
21 GA01064131.

22 A Uh-huh.

23 Q I'll give you control if you want to
24 take a quick moment to scan the document and
25 then let me know when you're ready.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
121

1 A I remember this document, but I just
2 want to look at the plan again.

3 Q Okay.

4 A And I remember this -- the plan -- I
5 mean, the -- what -- when this was developed as
6 well.

7 Q Okay.

8 A Yes. Yes, it's mine.

9 Q All right. So is this communication
10 connected to what you were sharing a moment ago
11 about Wayne County becoming part of your GNETS
12 program?

13 A Yes. And we did -- we had a -- this
14 document was provided to us by the DOE, provided
15 to all GNETS directors because there had been a
16 couple others that had changed or whatever GNETS
17 programs or whatever and they'd been provided to
18 us at that time and which, you know, was
19 somewhat helpful.

20 It helped me think through the process,
21 plan it out, things that needed to be done, and,
22 you know, again, we were supposed to submit that
23 to the DOE and, you know, they would give us any
24 feedback or guidance and, you know, take it from
25 there or whatever. And that we did and it went

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
122

1 extremely, extremely smooth, but for the
2 Camden --

3 Q Okay. And I'm just going to scroll
4 down to the -- this plan that you're referring
5 to.

6 Is this document still currently being
7 used?

8 A No. Well, I asked about it.

9 Q Do you --

10 A Yeah, I don't know about any others,
11 but I asked about it for this past Camden and I
12 was told, no, that we just needed to let them
13 know.

14 Q Okay. So you -- this form GA -- the
15 state DOE was not using this form when you were
16 doing the Camden transition?

17 A Yeah.

18 Q Okay. I just want to look at a few of
19 the areas that are listed here as part of the
20 reintegration or relocation action plan.

21 A Uh-huh.

22 Q So what was your understanding of the
23 purpose of this document?

24 A My understanding was just that -- you
25 know, that this would be a plan that we would

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
123

1 need to think through, plan out to ensure that
2 we got everything covered and that the
3 transition went smoothly and this was the actual
4 best -- you know, this was a good, let me just
5 say, decision to reintegrate or to change the
6 program or the services or whatever.

7 Q And do you think the Camden transition
8 would have gone more smoothly had a document
9 such as this still been in place?

10 A Can you scroll down some more? I can't
11 remember what's all in this document. Let me
12 see.

13 Q Sure.

14 A Yes. I mean -- and here's the thing,
15 it's not that it was a big deal. I mean,
16 honestly, you know, doing the transfer,
17 whatever, the money, you know, that kind of
18 thing, we did an MOU for that.

19 And so I was just kind of scrolling
20 through to make sure this address where the
21 issues came in or arise. And so I think what
22 happened here is, you know, is, like, you know,
23 for example, the addressing various transition
24 students, we did. We actually reached out to
25 parents, you know, told them about everything,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
124

1 those types of things, but as you see, this
2 document includes both, you know, and what, you
3 know, one will do on their side and one will do
4 on the other.

5 So, you know, just, you know, things
6 like that. I think those types of things --
7 because, you know, once we actually got
8 everything up and running, you know, with and
9 how we were going to, you know, basically
10 transfer the money over, because Coastal got
11 funded for this year for those students, and the
12 inventory, what was being left and what wasn't,
13 you know, and the MOU was signed, you know, that
14 was fine.

15 I think now, as you said, there's some
16 growing pains with differences between the GNETS
17 programs with -- between parents, students,
18 those kinds of things.

19 Q And I'm sorry, can you elaborate a
20 little bit on that, when you say differences
21 between programs between the parents and
22 students, what are you referring to?

23 A Well, I just think that Coastal Academy
24 perhaps handles -- has a different spin or
25 handles behavior and emotionality different than

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
125

1 Harrell Center, you know?

2 You know -- well, you know, think about
3 it, I mean, it depends -- it all depends on the
4 background of, you know, your leadership staff
5 and then how the leadership staff trains their
6 staff and, you know, their staff trains their
7 staff so -- and then culture, you know, I
8 just -- nothing bad against Harrell, I just
9 think maybe our parents and our students both
10 were not adequately prepared for maybe some of
11 the changes.

12 Like I said, addressing barriers, you
13 know, where we make the phone calls, we had a
14 family night, you know, those kinds of things.
15 And where if we had those we, you know, maybe
16 have a better idea of how Harrell Center does
17 their PBIS versus our -- you know, our trauma
18 informed PBIS, those kinds of things.

19 Q And that's in connection with the
20 Camden --

21 A Yes.

22 Q -- transition?

23 A Yes.

24 Q Let me ask you a few questions about
25 the form that you completed for Wayne County.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
126

1 And just to get a sense of what that
2 collaboration did look like when it was
3 functioning as designed.

4 So this first focus area says locating
5 a safe and helpful facility.

6 Do you see that?

7 A Yes, uh-huh.

8 Q And then it notes that Wayne County
9 will be changing service providers from
10 Cedarwood to Coastal Academy for FY20 school
11 year. Wayne County will transport GNET students
12 to Coastal Academy Hinesville, and the address
13 is listed.

14 A Uh-huh.

15 Q Who made the -- I'm sorry. How did you
16 all determine that Hinesville was the most
17 appropriate site?

18 A Because actually, you know, you'd think
19 maybe Brunswick might be, right? But it's all
20 -- I mean, we determine -- I mean, we looked at
21 distance, bus transportation, you know, our
22 services, we -- you know, we try to do the same
23 thing, of course, at both sites and everything's
24 pretty similar.

25 But as far as, you know, transportation

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
127

1 makes a big, big difference, you know, how long
2 they have to ride. So Hinesville was just
3 closer, to be honest.

4 Q And did you work with the Wayne County
5 superintendent or other staff to make those
6 decisions?

7 A Yes, uh-huh.

8 Q Another focus area that's addressing
9 barriers --

10 A Uh-huh.

11 Q -- to transition students, can you
12 speak to -- I think -- I know you gave an
13 example a moment ago, but barriers to transition
14 exist for your GNETS students?

15 A Okay. So barriers that exist from
16 GNETS, like if I'm changing a GNETS program,
17 that's different than barriers that would exist
18 between transitioning from GNETS to the LEA.

19 So right now you want me to address
20 GNETS to GNETS?

21 Q Correct.

22 A Okay. Well, you know, different --
23 let's just say this, okay, so different
24 services. You know, we tried to -- the State of
25 Georgia, I mean, you know, we tried to look at

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
128

1 the IEP, you know, that they come in with and do
2 comparable services.

3 Now, with Cedarwood, I'm just going to
4 tell you, it was very easy because we -- I came
5 from Cedarwood. I was a Cedarwood girl, you
6 know, so it -- you know, I'm a little different
7 now than they are, you know, but pretty much, we
8 are on the same wave length with things so that
9 was a lot easier.

10 But some smaller schools, for example,
11 smaller school systems may not have a resource
12 EBD room or a resource self-contained setting
13 and say we got a kid transitioning, okay, that
14 was transitioning to the LEA setting into that
15 resource room.

16 All right. Now they're coming to me
17 and -- well, actually, no, that transition's
18 going to be the same because that -- they're
19 going to actually transition still to that LEA
20 setting to that same room, so that's not going
21 to be a barrier.

22 So some of the other barriers may be
23 that our PBIS expectations are different, okay?
24 Maybe the way we -- for example, Coastal
25 Comprehensive Academy in Savannah, they use --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
129

1 they still use something called the SAMS model,
2 which when I became GNETS director, I got rid
3 of, I didn't like it. I completely went PBIS.

4 And I don't -- you know, we -- I don't
5 use that, okay, it's different. So that's a
6 little different. It's not a bad program, it's
7 just not something I use. It could be
8 different. I mean, at one point in time,
9 Cedarwood, you know, we -- they actually bus
10 their kids for lunch over to the closest LEA
11 cafeteria, you know? At Cedarwood, for example,
12 we have a cafeteria at both places and lunch is,
13 you know, there.

14 Let's see, Hinesville facilities. I
15 think most of it, honestly, at least it would be
16 related to you, you know, just the overall
17 functioning of the program and how the program
18 deals with things.

19 We may implement the same practices but
20 those practices may be implemented differently,
21 not that they're implemented wrong, just
22 different, like, you know, different
23 expectations, a different model versus --
24 someone may uses classroom DOJO, someone may
25 still use an old point sheet, you know, just

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
130

1 different things.

2 Tolerance, you know, like at Coastal
3 Academy, we -- we may have -- we're working on
4 developing a student-wide diversity and
5 inclusion, but among the students, by the way,
6 schools, our program services policy, you know.

7 Because one of the issues were, you
8 know, students often use that street language in
9 school and we're trying to, you know, get away
10 from that and teach them about diversity,
11 inclusion, you know, those terms, you know, that
12 are racially -- you know, that could trigger
13 and, you know -- so we may have something like
14 that versus someone else that doesn't.

15 So I think it would just be overall,
16 the logistics and the running and the culture,
17 the overall culture.

18 Q And it seems like the goal of this
19 plan, then, is to give the relevant parties an
20 opportunity to identify those issues on the plan
21 and work through them?

22 A Yes, absolutely, and to work through
23 them.

24 Q Okay. Another focus area is continuity
25 of IEP services.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
131

1 Why is that important to include as
2 part of this reintegration plan?

3 A It is always important to include it as
4 part of any reintegration plan because you never
5 know, honestly, and that's the truth.

6 So, again, these things on the left
7 side -- I don't know if I told you this -- but
8 this is just a -- the DOE, things that we had to
9 address in this plan, okay?

10 And those would be I guess more for,
11 you know, places that, you know, like may be
12 getting -- one GNETS program may have a music
13 therapist and I may not have one, you see? So
14 that was for things like that, to address those
15 issues, to have those meetings with those
16 parents and bring those to the table and address
17 those issues and see if we can, you know, come
18 up with, you know, another way to meet those
19 things.

20 But, again, this was not an issue for
21 us because our services were almost -- you know,
22 pretty similar.

23 Q And I just want to run through, so
24 there's also focuses here that includes behavior
25 supports and academic supports.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
132

1 A Uh-huh.

2 Q Why was it important for that
3 information to be set out through the
4 reintegration plan when you were coordinating
5 with Wayne County?

6 A Because, look, we're getting a bunch of
7 new students all of the sudden that we don't
8 know anything about -- Okay? -- and this gives
9 us the opportunity to go through -- and we
10 actually -- with this area, we actually sat down
11 and talked to Cedarwood staff about each child,
12 you know, they didn't have that many, I think
13 there was -- the first year we tran -- I think
14 it was like 15.

15 And to get to know them, you know, we
16 had access to the, you know, paperwork, those
17 types of things, and that's very important to
18 know some of those things ahead of time going in
19 and have the knowledge from people that have
20 worked with them.

21 And also, you know, like here we're
22 just talking about we wanted to make that
23 transition, that ride, because it was a
24 30-minute ride, as pleasant as possible. So,
25 you know, when we initially started, we were --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
133

1 they were able to bring their own media devices.

2 We, you know, put things in place for
3 that, those procedures in place for that. But,
4 again, to make those kids feel welcome and, you
5 know, have a better start to the day, we didn't
6 want anybody getting all frumpy, you know, those
7 types of things. It's a good thing to work
8 those things out. We tried to think through
9 things that might be a potential problem with
10 them social, emotionally. Same with academics,
11 you know, same with academics.

12 Q And I just want to note for the record,
13 the other focus areas listed here,
14 communications protocol, capacity building for
15 staff to support students, efficient transfer of
16 records, fiscal obligations, inform parents, key
17 stakeholders, and then other.

18 Ms. Futch, are there any -- of those
19 other focus areas that I just listed, were there
20 any others that you found particularly helpful
21 to work through in advance with Wayne County as
22 part creating this integration plan?

23 A Of course informing parents and key
24 stakeholders, yes, not difficult, but very
25 important. But no, I think they're all, you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

134

1 know, very valid and good to have in there, and
2 I'm not sure why -- I mean, what happened and
3 why we didn't use it. I was just -- like I
4 said, I asked, not specifically about the form,
5 but I did ask and I was told you have -- don't
6 do that form, just work it out.

7 Q Were there any other programs in the
8 last five years who have been either added to
9 Coastal Academy or transitioned away from
10 Coastal Academy?

11 A No.

12 Q Which Coastal Academy system -- well,
13 number one, how many Coastal Academy facilities
14 do you have?

15 A Right now, I have two.

16 Q Two, okay. And where are those
17 located?

18 A Glynn County, Brunswick site, and then
19 Liberty County.

20 Q And Camden would have been the third up
21 until this school year; correct?

22 A That is correct.

23 Q Of the two facilities that you noted,
24 are they GNETS centers or are they school-based
25 locations?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
135

1 A They're both centers.

2 Q And when Camden was part of the Coastal
3 Academy program, was that a center or a
4 school-based location?

5 A It was a center, but it had been
6 school-based and actually not on a school wing,
7 actually, a classroom in a school with -- you
8 know, in the middle of the school. So sometimes
9 school-based is on a school wing, but yeah, and
10 then it went back to center.

11 Q How do students get assigned to a
12 particular facility?

13 A Based on location, where they live,
14 county. So the center serves certain counties.

15 Q Okay. Are any of the facilities
16 designed to serve students with a particular
17 disability or a particular need, or it's solely
18 based on geography?

19 A It's solely based on geography, yeah.

20 Q How many students are currently
21 enrolled in your GNETS program for the current
22 school year?

23 A I can give you an approximate, would
24 that be okay?

25 Q Yes, that's okay.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
136

1 A So approximately, let's see, I'd say
2 currently enrolled in desks, 80.

3 Q And what grades are served in the
4 program this school year?

5 A This school year our youngest is first
6 grade up to twelfth grade, but, of course, you
7 know, that we can serve IDA -- well, no, not --
8 they have to be five and older, so IDA is three,
9 but they have to be five and older to come to
10 us.

11 Q Do you serve students or could you
12 serve students in kindergarten?

13 A I can, as long as they're five and
14 older, uh-huh.

15 Q How does the total number of current
16 students in the Coastal Academy program this
17 year compare to prior school years?

18 A Current number of students this year at
19 the same time prior school years?

20 Q Yes.

21 A Okay. Because, you know, our
22 enrollment is very fluid. They come and go.

23 I would say we're probably up a little
24 bit, but not much.

25 Q And are there any particular reasons

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
137

1 why the numbers are slightly higher this year?

2 A Well, I'm -- Liberty County is located
3 -- the districts that I -- I serve only -- okay.
4 The Glynn County site, it serves Glynn County
5 only. Liberty County, we serve the other five.
6 Okay?

7 And Liberty County, there's Fort
8 Stewart Army base and we have people, of course,
9 in and out. And those five counties there are
10 counties where those people live if they live
11 off base.

12 And for whatever -- and we're, you
13 know, always get a lot of their students from
14 out of state, you know, programs, but for
15 whatever reason this year, we have gotten more
16 out of state students transferring in from
17 similar programs where we have actually -- we
18 have an IEP meeting and we meet and talk to
19 the -- you know, call that program, talk to them
20 and talk to parents or whatever and, you know,
21 comparable services or the services that they
22 require is GNETS. So that's why this year, to
23 be honest.

24 Q And to the extent that you said the
25 numbers are slightly higher this year, does that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
138

1 take into account that the Camden students
2 aren't included?

3 A Yes, it did. It did, yeah, because
4 that would mean they were lower, of course.
5 So -- but yeah, I kind of did that in my head, I
6 took them out of the -- and just considered the
7 Liberty, Glynn, so yeah.

8 Q Okay. I'm going to show you another
9 document.

10 I'd like for the court reporter to mark
11 this next document as Plaintiff's Exhibit 543.

12 (Whereupon, Plaintiff's Exhibit
13 Number 543 was marked for
14 identification.)

15 BY MS. HAMILTON:

16 Q Ms. Futch, I'm showing you Plaintiff's
17 Exhibit 543.

18 Do you see a new document on the screen
19 that says Coastal Academy Camden at the top?

20 A I do.

21 Q This is a student enrollment
22 spreadsheet from the 2021 to '22 school year --

23 A Uh-huh.

24 Q -- the facility that was produced by
25 your program in response to the United States

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
139

1 subpoena.

2 The DOJ numbering that we were using
3 was Coastal Academy 000002 and the file name
4 that you-all provided was Number 3 Camden,
5 August FY22 class list redacted.

6 Please note that this name column, we
7 redacted in full because it contained student
8 information and we wanted to protect the
9 confidentiality and privacy of those students.

10 Do you recognize this document?

11 A I do.

12 Q And I'm just going to scroll down so
13 you can see that's the document in entirety.

14 A Uh-huh.

15 Q Am I correct that this a document that
16 contains information about student enrollment at
17 the Camden facility during the '21-'22 school
18 year?

19 A You're correct that it contains student
20 enrollment information at the Camden facility
21 for the week of August 31st '21 only.

22 Q Okay. And can you confirm that the
23 spreadsheet was accurate as of the week of
24 August 31st, 2021?

25 A I mean, without pulling up my copy, I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
140

1 can't, I mean, confirm, but it doesn't look like
2 any changes have been made to it. So is that
3 appropriate enough or?

4 Q Well, I just want to confirm that when
5 you-all provided this document, you provided it
6 under representation that it accurately
7 reflected the student enrollment as of
8 August 31st, 2021?

9 A Oh, yeah, when we provided it,
10 absolutely, uh-huh.

11 Q Okay. Great. All right. So I want to
12 walk through this document together. Let me see
13 if I can shrink it a little bit.

14 Can you -- can you see still see it?

15 A Yes, ma'am.

16 Q Okay. So according to this document,
17 you had 21 total students who were enrolled in
18 this program as of the beginning of the '21-'22
19 school year; is that correct?

20 A Yes, ma'am.

21 Q So at the bottom of the page where it
22 has the totals, one column says current and
23 another column says total served.

24 A Uh-huh.

25 Q What's the difference between those two

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
141

1 columns?

2 A So current is the number of students
3 that we have in seats right then for that week.
4 They do -- they update this weekly -- Okay? --
5 for me. They often miss weeks and I'm in there
6 when I start to look for one, then I realize you
7 better go back and get me these.

8 But total served would be the number
9 that -- the total number of students served up
10 until August 31st, 2021. They may not be in a
11 seat right now, they may have transferred,
12 moved, left.

13 Does that make sense?

14 Q Yes. So just to confirm, as the school
15 year goes on, is it likely that the total served
16 column would increase in numbers?

17 A Yes.

18 Q And at this point in the school year,
19 both the current number and the total served was
20 21; correct?

21 A Yes. And I'm -- that's correct.
22 I'm -- you know, that's likely to happen, yes,
23 for the first month.

24 Q Okay. So I'm looking at this first
25 column over here to the side, it looks like it's

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
142

1 listing the teachers and paraprofessionals who
2 were at the Camden facility last school year;
3 correct?

4 A The one says on August 31st, yes.

5 Q Okay. Do you experience much turnover
6 over the course of the school year with your
7 staff?

8 A Not at this facility, I do not.

9 Q Okay. At other facilities?

10 A Yes.

11 Q Do you experience turnover?

12 A Yes.

13 Q So at this point in the school year at
14 the Camden facility, it looks like you had three
15 teachers and three paraprofessionals; is that
16 correct?

17 A That is correct.

18 Q Were the students listed on this class
19 list split up among -- split up into classrooms
20 among those three teachers and three
21 paraprofessionals?

22 A Yes.

23 Q So would that mean there were three
24 separate classrooms?

25 A Right, yes, uh-huh.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
143

1 Q Also, here at the bottom, it says
2 students served, and then there's just one
3 student listed here.

4 What -- what is that intended to show?

5 A That student is probably -- typically
6 right there is where we list students that we're
7 either consulting with, like they've been
8 transitioned back and we're, you know, providing
9 some type indirect services, or maybe the
10 student has been hospitalized, they're placed
11 there for temporary, or maybe they're being
12 served in the community or home services setting
13 for whatever reason.

14 Q During our spring site inspection, our
15 expert observed that some Coastal Academy
16 students received instruction from the same
17 teachers for multiple years.

18 Is that a common practice at Coastal
19 Academy?

20 A Yes. Yes, I mean, you know, because we
21 have elementary, all grades, and one classroom
22 middle, yeah, yeah. So they're in elementary
23 and that teacher's with me, yes, they're going
24 to get those services.

25 Now, what I tend to do is I do swap

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
144

1 parents and sometimes teachers, but not much
2 when they find their niche.

3 Q And would that have been true at all of
4 your -- is that true in all of your facilities?

5 A Yes, uh-huh.

6 Q Okay. This next column at the top is
7 labeled SEGS, S-E-G-S.

8 A Uh-huh.

9 Q What does that mean?

10 A IEP service segments. How many service
11 segments they're receiving with us.

12 Q Okay. What's the highest number of
13 segments a student can receive?

14 A Thirty.

15 Q Is it fair to say that most of the
16 students at your Camden facility at this point
17 were receiving 30 segments?

18 A On August 31st, '21, yes, ma'am.

19 Q Okay. And does that mean that those
20 students were being served in GNETS classrooms
21 for the whole day?

22 A Yes, ma'am.

23 Q Okay. It also appears that there are
24 four students who were receiving 22.5 segments.

25 Do you see that?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
145

1 A Yes, I do.

2 Q Okay. What does that mean for those
3 students?

4 A They're getting speech, probably, you
5 know, language, speech language services or
6 they're getting OT services or they could be
7 receiving an hour -- because Camden, actually,
8 our schools were fairly close that we
9 transitioned to, they could be receiving a class
10 out.

11 But let me see. Let me see. We've got
12 one -- those are probably, though, that you're
13 seeing there, those are probably speech.

14 Q Okay. And then you said that at the
15 time, there were some students who received a
16 class out?

17 A Yes.

18 Q As if they were going to like a regular
19 general education school for one class?

20 A Yes. The four that are 15, they're all
21 being transitioned, yes, ma'am.

22 Q Okay. And just to make sure we're
23 clear for the record, you're noting that there
24 are also four students who have 15 segments?

25 A Yes, I am.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
146

1 Q They were receiving classes at a
2 regular GNETS --

3 A Yes.

4 Q -- some segments at a regular GNETS
5 school?

6 A Yes, ma'am.

7 Q The next column is grades.

8 What was the range of grades that were
9 being served at the Camden site during the
10 '21-'22 school year at this point?

11 A K12, pages 5 to, you know, 23 or 25th
12 -- date of their 22nd birthday, excuse me.

13 Q Okay. And then it looks like as of
14 August 31st, 2021, you-all had students in
15 grades 4 through 12; is that correct?

16 A That looks like it, yes, ma'am.

17 Q Okay. Moving over to the eligibility
18 column.

19 What does this column show?

20 A Their special education eligibility.
21 What they're eligible for in a special ed.

22 Q Is it accurate to say that most of the
23 students at the Camden facility, at this point,
24 had an EBD designation?

25 A Hold on. I've got to pull the glasses

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
147

1 down.

2 Q Oh, sure, and I can also make it bigger
3 for you.

4 A No, it's okay, I got it. Let's see.
5 So there's 21. One, two, three -- no, not the
6 majority. It -- you know, because they're -- it
7 looks like there's ten with EBD eligibility and
8 there's 21, so, you know -- is that what you
9 were asking?

10 Q Yeah. I was just trying to get a sense
11 of roughly how many would you say had an EBD
12 designation?

13 A As of August 31st, it looks like one,
14 two, three, four, five, six, seven, eight, nine
15 and the one being served, I don't know why, but
16 ten. So ten had an EBD.

17 Q Okay. And then just generally, what
18 are the other disability designations that are
19 represented here? So, for example --

20 A Okay. Go ahead.

21 Q I just want to make sure I understand
22 what the initials stands for.

23 A Okay. OHI is other health impaired.
24 Okay. Do you want me to tell you what that is?

25 Q No. You can just -- I just want to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
148

1 make sure we have the abbreviations on record.

2 A AUT is autism, and SLD is specific
3 learning disability.

4 Q Okay. The next column says IEP end
5 date.

6 A Uh-huh.

7 Q Why is that information included on
8 this chart?

9 A Because this chart is given to my
10 teachers on a weekly basis and updated, and this
11 is another way of letting them know, hey, don't
12 miss your due date on this IEP.

13 They also have access to Go-IEP and the
14 effort to look that up, but we're just trying to
15 make sure we provide them as much as, you know,
16 we can.

17 Q Okay. And is that also the reason that
18 there's a column for reevaluation due and
19 eligibility due?

20 A Yes, ma'am.

21 Q Okay. And all of that is in connection
22 with the IEP?

23 A Well, reevaluation and eligibility, you
24 know, stands on its own. But often in
25 connection -- I mean, ideally, yes, absolutely.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
149

1 Q You mentioned Go-IEP a moment ago.

2 What is Go-IEP?

3 A It's our IEP, our platform, our --
4 well, our special education platform that we --
5 that the majority of school systems now in the
6 State of Georgia use, not all, to develop the
7 IEPs, to develop eligibilities where our -- you
8 know, do reevaluation and termination reviews.
9 It's our, you know, special education file, you
10 know, for the student, you know?

11 In fact, we -- all special education --
12 like I don't keep a main fed paper file anymore,
13 it's all in Go-IEP. There's a place for every
14 document, you know, things like that.

15 I keep a little file each year of just
16 specific Coastal forms with, you know,
17 permissions they sign and stuff. So all special
18 ed stuff goes here.

19 Q Okay. And does the state DOE maintain
20 that database?

21 A They do.

22 Q This last column says school.

23 A Uh-huh.

24 Q What information is provided here?

25 A That CIE is Coastal Academy and the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
150

1 school there, the initials, that's what their
2 zoned school is.

3 So we got CCHS is Camden County High.
4 SMMS is one of the middle schools. Let's see, I
5 can't remember, but in Camden County.

6 Q Okay.

7 A And then, you know, the elementary
8 school there. You know, it's just what their
9 zone school is. What their home school would be
10 if they were transitioning.

11 Q Okay. All right. I am going to show
12 you another document.

13 I would like for the court reporter to
14 mark this next document as Plaintiff's Exhibit
15 544.

16 (Whereupon, Plaintiff's Exhibit
17 Number 544 was marked for
18 identification.)

19 BY MS. HAMILTON:

20 Q Ms. Futch, I'm now showing you
21 Plaintiff's Exhibit 544. This is the student
22 enrollment spreadsheet from the 2021 to '22
23 school year for the Hinesville Liberty facility
24 that was produced by your program.

25 A Yes.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
151

1 Q We have marked this -- labeled this as
2 Coastal Academy 000016, but we received this
3 from your program. And I do want to note,
4 again, that the name columns have been redacted
5 by our office. The only change that's been made
6 in order to protect the privacy and
7 confidentiality of the students that are listed
8 here.

9 A I thought that we redacted them as
10 well.

11 Q This one, the names were still
12 provided, which is information that United
13 States is entitled to, but for purposes --

14 A Okay.

15 Q -- of the deposition, we wanted to
16 redact it.

17 A Okay. That's right. Okay. All right.

18 MR. NGUYEN: Yeah, let me just
19 comment real quick for Ms. Futch's
20 understanding, there was an original
21 protective order in place that governed
22 the production of records that would
23 include student names, so if they were
24 produced with -- under that protective
25 order.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
152

1 But now because we're in this
2 deposition, it's a public deposition
3 where other people can directly access
4 the exhibits, that's why they're being
5 redacted.

6 THE WITNESS: Okay. Thank you.

7 BY MS. HAMILTON:

8 Q Ms. Futch, do recognize this document?

9 A I do.

10 Q I can give you -- actually, let me go
11 ahead and give you control.

12 A Yeah, this one we might have to make a
13 little bigger.

14 Q Yeah.

15 A Even with the glasses.

16 Q Okay. So you have control, so if you
17 need to scroll up and down, there are -- runs
18 across two pages. You're welcome to do so.

19 A Okay.

20 Q And is this a document that your
21 program produced to the United States in
22 response to the subpoena requesting documents?

23 A Yes.

24 Q All right. I want to similarly walk
25 through this document like we did for the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
153

1 Camden, and I want to first start at the very
2 bottom. Scroll down all the way down to where
3 it has a total.

4 So here it looks like it says there are
5 52 current students and 65 total served as of --
6 looks like this was a document of August 4th,
7 2021 for Liberty.

8 A Uh-huh.

9 Q Can you explain what the difference is
10 between these two numbers?

11 A It is the same as I explained
12 previously with the Camden total served.

13 Current is number of seats. And that
14 was the first week of school and total served is
15 65, which is most definitely incorrect right
16 there, so that should, I mean, be 52, to be
17 honest. Because August 4th was the first week
18 of school.

19 In fact, if I'm not mistaken, it was
20 probably the second day of school and my guess
21 is we had a very new secretary and maybe she
22 didn't change this number when she did the first
23 one for the year.

24 Q And I do note at the very top of this
25 document, unlike the others, it does say

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
154

1 projected class list.

2 Would that make a difference?

3 A Oh, yes.

4 Q The other did not say projected. This
5 one does.

6 A Okay. Yes, that would make a
7 difference. So -- okay. So that -- and we
8 didn't send you another one like -- no, right,
9 because I sent these things, but, I mean, going
10 through all this, I can't remember.

11 Q Okay.

12 A So -- but, yes, thank you for that. It
13 does make a difference, and let me tell you what
14 the difference is.

15 The difference would be that the
16 projected list is what we anticipated -- Okay?
17 -- being here. Meaning this 52 -- I'm sorry,
18 would have been the number that were actually --
19 excuse me -- in seats, contacted, new, they were
20 there, blah, blah, blah.

21 The 65 were those that were anticipated
22 and the total anticipated. Does that make
23 sense? That either did not show or, you know,
24 we were unable to contact but still didn't show.
25 So my guess is for the next -- should be for the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
155

1 next class list, this would have been changed.

2 Q Okay.

3 A Does that make sense?

4 Q That does. That's helpful.

5 So then I also want to look at the
6 breakdown of teachers and paraprofessionals on
7 the side -- the left side of the document.

8 A Uh-huh.

9 Q Can you confirm how many teachers you
10 had or projected that you would have as of
11 August 4th with your Liberty Hinesville
12 location?

13 A Okay. So, yes. And, actually, we have
14 quit putting our teachers names on the side of
15 these things because they -- they change so
16 much. So we had projected, of course, one
17 teacher and one para for each room.

18 And let me make -- yeah, that should
19 have been what was projected. And the --
20 clearly here, we have two different classrooms,
21 but see, they didn't -- I mean, the secretary is
22 new and she didn't even put the name here of who
23 I had in there.

24 And actually, probably because it
25 wasn't hired for and -- yet. So, yes,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
156

1 projected, we would have had a teacher and para
2 in each room.

3 Q Okay. And I note that there is a
4 teacher's name of J. Branch that's listed for
5 more than one class.

6 A Uh-huh.

7 Q Why -- what would have been the
8 circumstances for --

9 A Teacher had not been hired yet and so
10 she was the coordinator at the time and so --
11 you know, so to cover it, of course, we -- until
12 we hired someone, which we actually hired them,
13 I don't know, not long after this. I can't
14 remember, maybe September we were still looking,
15 just, again, staffing shortages.

16 We had accommodated with two paras and
17 Ms. Branch, we listed her as -- I mean, she was
18 certified elementary, middle, high, so she was
19 actually doing double duty doing all the lesson
20 plans, and then, of course, I would have
21 Ms. Burdette and Ms. Chester would rotate in to
22 cover that certified teacher responsibility
23 until we got someone hired.

24 But that was just letting us know that
25 under Go-IEP, that's how they were listed as

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
157

1 Branch, if I needed to find them.

2 Does that make sense?

3 Q Then also here at the bottom where it
4 says student served, similar to the last chart
5 we received there, and this says there are four
6 student names that were listed.

7 A Yes.

8 Q What would that indicate for those?
9 When it says student served, what does that mean
10 for those four students, likely?

11 A Okay, so the H there is home -- home
12 services, and I do know that. And I'm not
13 exactly sure what that -- oh, the other two --
14 the other three, excuse me, that were
15 transitioned and we were providing consultative
16 services, so that C is for consultation. And
17 why these sixes -- again, it was a new
18 secretary, so she didn't -- she was learning.
19 She didn't do everything the same.

20 Q But the other three were students who
21 were transitioning --

22 A Transitioning.

23 Q -- consultative services.

24 A Yeah.

25 Q And what does mean for students to be

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
158

1 in GNETS and be homebound?

2 A Well, it could mean a variety of
3 things. It could mean -- well, actually, no,
4 that age is not homebound because homebound is
5 -- assumes -- indicates that there is a -- like
6 a medical or issue, you know, or a doctor has
7 placed them on a homebound service, which a
8 doctor, you know, can say the kid's got anxiety
9 that's so bad that, you know, and we're
10 requesting, you know, that as the committee or
11 whatever, but so it could be that.

12 But this is more than likely special
13 education services, special education services
14 provided at home, and a reason being maybe could
15 have been -- I don't know the specific
16 circumstance with this one -- could be because
17 he violated one of the big major three zero
18 tolerance things, typically that's what that
19 means.

20 Weapon, probably not a weapon because I
21 would have known that, or pot or something or
22 maybe some type of physical aggression that was
23 very extreme, to the extreme point and he was
24 placed on a 45-day, whatever, alternative
25 placement and we provided a special education

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
159

1 teacher that would work with them, you know, a
2 couple days a week in the community setting and
3 he got online curriculum for that, you know,
4 during the week, so something like that. Now
5 this was '21. Okay. Yes.

6 Q '21-'22.

7 A Yeah, yeah, something like that. Yeah,
8 that would be it.

9 Q Looking over to the next column for
10 segments, is it accurate to say that most
11 students have six segments in the Liberty
12 program at this point in the school year?

13 A Well, the grades are -- let me just
14 double check. Yes, and this particular site, I
15 did it weekly. So it's six segments per week,
16 you know, versus monthly might be -- excuse me,
17 daily versus weekly. My bad.

18 Q For the grades column, is it accurate
19 to say that the students being served in this
20 site were in grades -- were in third grade
21 through eleventh grade at this point in the year
22 as per -- and I give the caveat all of this says
23 projected.

24 A Yes.

25 Q And then moving over to the eligibility

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
160

1 category is it accurate to say that the most
2 probable and disability designation was EBD at
3 this site as of August 4th projection?

4 And if not, you can tell me, either
5 way.

6 A Yes.

7 Q Okay. And I did see a different
8 acronym, so in the eligibility column, to the
9 extent that there are students with other
10 disability designations, these appear to be
11 mainly the same disabilities as we saw at the
12 other site, however, I also see TBI.

13 What does TBI stand for?

14 A Traumatic brain injury.

15 Q Okay.

16 A And there was also and SDD up in the
17 first.

18 Q Okay. And what does that stand for?

19 A Significant developmental disability.
20 We rarely get those but they can make -- you
21 know, keep SDD until, I believe, age eight. You
22 know, it's usually the first thing given if, you
23 know, they're, child -- early.

24 Q And for students -- so, for example,
25 the student who has TBI listed here or traumatic

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
161

1 brain injury, would that student have to be
2 exhibiting behaviors that rise to the level of
3 being placed in GNETS or can the student just be
4 placed in GNETS for having a traumatic brain
5 injury?

6 A No. I mean, he has to be exhibiting
7 behaviors and go through the state board rule
8 unless there's, like I said, an unusual,
9 whatever, you know, but to demonstrate
10 behaviors. Nobody's just placed, but no.

11 So he had a, you know, whatever
12 traumatic brain injury, got that eligibility,
13 and that particular child is demonstrating
14 extreme significant behaviors.

15 Q Okay. Thank you for clarifying that.
16 I'd like to look at one more document. The last
17 one will be the Glynn program and then maybe we
18 can take a break for lunch.

19 A Okay.

20 Q Would that work, Ms. Futch, and --

21 A Sure.

22 MS. HAMILTON: Does that work for
23 you, Hieu?

24 MR. NGUYEN: Yes. Yeah, that's
25 fine. I was actually going to ask

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
162

1 about that, so that's perfect timing.

2 MS. HAMILTON: Okay.

3 MS. JOHNSON: Thank you.

4 MS. HAMILTON: I would like for
5 the court reporter to mark this next
6 document as Plaintiff's Exhibit 545.

7 (Whereupon, Plaintiff's Exhibit
8 Number 545 was marked for
9 identification.)

10 BY MS. HAMILTON:

11 Q And, Ms. Futch, I'm showing you
12 Plaintiff's Exhibit 545. This is a student
13 enrollment spreadsheet from the 2021 to '22
14 school year for the Glynn facility that was
15 produced by your program to the United States.

16 Internally, we labeled it Coastal
17 Academy Temp 000022. As you'll see, this
18 document is also redacted in the name column to
19 protect the confidentiality and privacy of
20 students.

21 Let me make sure, Ms. Futch, you have
22 control. Okay. You still have control. Feel
23 free to it scan and let me know when you're
24 ready.

25 A I'm ready.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
163

1 Q Do you recognize the document?

2 A I do.

3 Q Okay. And is this the document -- does
4 this document contain information about student
5 enrollment at the Glynn facility as of
6 August 27, 2021?

7 A Yes, it does.

8 Q How many total current students were
9 enrolled as of the time this was created?

10 A Thirty-six.

11 Q And how does that compare to the total
12 that were served?

13 A Which were 39. Those three you see
14 student served consult, they were transitioned.

15 Q Okay. Is that common for students to
16 be transitioned that early in the school year?

17 A Probably what happened was we started
18 the conversation at the end of the school year
19 prior, in May. They had met their goal.

20 They're probably transitioning
21 part-time and then we agreed to come back and
22 meet early in August, and so we served them and
23 we met and transitioned them out full-time.

24 So, you know, could be, you know, yeah.
25 I mean, yeah, sometimes systems rather, you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
164

1 know, talk about it, get it ready to go and
2 actual, you know, go back and yeah -- so yeah,
3 it's fairly common.

4 Q And, again, if you could take a look at
5 the list of teachers and paraprofessionals on
6 the side.

7 Can you confirm how many teachers you
8 had?

9 A I had four teachers.

10 Q And how many paraprofessionals did you
11 have?

12 A Four.

13 Q Okay. And I know that one of your
14 paraprofessionals is named Dr. Collins.

15 A Uh-huh.

16 Q What qualifications -- or I guess I'm
17 just curious what qualifications Dr. Collins
18 has.

19 A Dr. Collins is a retired pharmacist and
20 has a love for children and subbed at one of our
21 local school systems and came and subbed for me
22 a couple years prior to that. And, you know,
23 had -- I had an opening and he did well with my
24 adolescent boys and put Dr. Collins right in
25 there. He does great.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
165

1 Q And he has completed in all of the
2 required paraprofessional training
3 certifications?

4 A Oh yeah. Yeah, I mean, you know,
5 because he has a doctorate, I mean, you know, I
6 submitted his transcripts and everything. They
7 gave him a para certificate and he does all the
8 required -- you know, he's not with us anymore.
9 He actually decided to officially retire last
10 year but -- but yeah.

11 Q Okay. Looking at the segment column,
12 is it accurate to say that most of the students
13 had -- had six segments?

14 A Yes.

15 Q And moving to the grade column, is it
16 accurate to say that the students being served
17 as of August 27th in the Glynn facility were in
18 grades one through 12?

19 A Let's see. Yes.

20 Q And then there is -- let's see. This
21 document does not have an eligibility category.

22 What would have been the most prevalent
23 disability category at the Glynn site last
24 school year?

25 A EBD.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
166

1 Q And I do notice, at the very bottom of
2 this chart, there's an asterisk that says Glynn
3 County virtual Academy.

4 A Uh-huh.

5 Q Did you have a virtual academy last
6 school year?

7 A Coastal Academy did not, no, but Glynn
8 County did, and I'm not sure -- do we have
9 anybody with an asterisk on here? We might have
10 had -- you know, sometime during the year, it
11 may be two participants at some times, you know,
12 they got COVID or the parents decided I don't
13 want them back because the -- you know, COVID or
14 whatever because that was a big issue, that
15 might have attended. But we didn't -- Coastal
16 didn't have one, the system did, but we didn't
17 have anybody attending at this time.

18 And it looks like they maybe hid the
19 eligibility column so it would all fit for --
20 possibly, I'm not sure why it looked, you know,
21 like that, but there's an eligibility column on
22 there, should be.

23 Q Okay. I am going to stop sharing and I
24 think this is a good point for us to take a
25 break so we can go off the record.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
167

1 THE VIDEOGRAPHER: Okay. Hearing
2 no objection, we'll go off the record
3 now at 12:33 p.m.

4 (Whereupon, a short break was
5 taken.)

6 THE VIDEOGRAPHER: We're back on
7 record at 1:02 p.m. Please proceed.

8 BY MS. HAMILTON:

9 Q Ms. Futch, is transportation provided
10 for students attending the Coastal Academy
11 locations?

12 A Yes.

13 Q Who provides that transportation?

14 A The local education -- the LEA, the
15 local school system.

16 Q Does the LEA also pay for the
17 transportation?

18 A Yes.

19 Q What is the typical length of student
20 bus rides to Coastal Academy?

21 A The typical length in all varies
22 depending on where the kid lives and in the
23 country, but I would say maybe 35 to 40 minutes
24 one way.

25 Q Okay. What is the longest bus route?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
168

1 A I do have some that live further out.
2 I'm going to say probably an hour, maybe an hour
3 and 15 minutes.

4 Q Do any of the routes require students
5 to transfer at a bus hub or a bus farm?

6 A Yes.

7 Q For which programs, locations?

8 A Okay, so at Liberty -- my Liberty
9 County site, not all counties, just Wayne
10 County, and let's see, yeah, just Wayne County,
11 just that one system.

12 Q Okay. And do you have any routes for
13 Glynn -- for the Glenn location that require the
14 use of the bus farm or bus hub?

15 A No, they provide, you know, just one
16 bus or a couple buses, actually, they bus kids
17 with, but no transition, no transfer.

18 Q Do you have any groups of students in
19 your program who arrive later than the official
20 school start time on a regular basis?

21 A That arrive later because they're a
22 chronic tardy or just because they maybe have a
23 shortened school day for whatever reason?

24 Q Yeah, so either -- like a reason
25 related to their schedule or, like, due to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
169

1 transportation issues?

2 A None due to transportation issues. We
3 do have, you know, a couple students that are
4 transitioning to the LEA environment, so, of
5 course, they arrive to our school late, but not
6 to that home school environment. They may go
7 there first.

8 And then I have a couple, you know,
9 students that may have -- that are autism -- you
10 know, on the spectrum and get, like, ADA
11 services, and -- on different days and so they
12 may arrive later here and there some.

13 Q And relatedly, do you have any students
14 who leave earlier than the official end time on
15 a regular basis?

16 A It would be for the same reason,
17 transitioning end of the day, ADA, you know,
18 same reason.

19 Q Do you keep attendance records of which
20 students attend each day?

21 A Yes.

22 Q For a student to be in attendance, what
23 proportion of the school day must they be
24 present?

25 A Well, you know, each system always has

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
170

1 a -- you know, their -- a little different spin
2 on that, or actually each school because it
3 depends on the required number of instructional
4 hours, you know, whether they're elementary,
5 middle or high, right?

6 But -- so for me I require that if
7 they're there by 11:30, I kind of do my own
8 policy for that because I just -- I can't
9 possibly meet -- you know, six and have to keep
10 up with that.

11 So if they're there by 11:30, then they
12 -- they're counted present.

13 Q And what about the reverse, if a
14 student has to leave early, what part of the day
15 must they be present to be marked as present?

16 A They have to be there until 11:30. Is
17 that what you're asking?

18 Q I guess it sounds like they need to be
19 there by 11:30. If they left after, like, the
20 first hour of school, would they be marked as
21 present?

22 A No, no. So the kids -- they have to be
23 there until 11:30 -- Okay? -- to be marked as
24 present.

25 And -- sp you're asking if they come

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
171

1 in, like if they have a doctor's appointment or
2 whatever.

3 So if they go and they have a doctor's
4 appointment, as long as they arrive before --
5 actually, we do that differently. As long as
6 they arrive before 10:30, then they're present.
7 So it's -- we back it up an hour.

8 Q Okay. So if they have a doctor's
9 appointment, arrive before 10:30, as a general
10 matter, it sounds like you're also saying if
11 they're there at least through 11:30, you would
12 mark them as present?

13 A Yes.

14 Q Who collects the data pertaining to
15 attendance records in the program?

16 A My teachers maintain attendance. The
17 classroom staff, and then those are -- you know,
18 well and it's Power School, our student
19 information system for the LEA, so they would
20 have that.

21 Q Do you or someone on your staff ever
22 review the data related to attendance records?

23 A We do, and we should review it more,
24 yes.

25 Q What is your average daily attendance

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
172

1 rate? So roughly, like what percent of your
2 students are in attendance on any given day?

3 A At my Glynn site, I'm going to say 90
4 percent of my students are in attendance on any
5 given day. At the Liberty site, I'd say 75
6 percent.

7 Q What do you attribute the differences
8 in the attendance rate to?

9 A I would contribute those to outside
10 barriers, not transitioning, not -- again, we
11 got different community cultures, you know.
12 We're dealing with a military-base type culture
13 which you would think they'd have -- and it's
14 Army, too. It's a different -- I guess branches
15 of the military, it makes a difference.

16 Because in Camden when I had a Camden
17 site, I had the Navy and I almost had 100
18 percent attendance. But so I would contribute
19 that just to community, the -- not the schools,
20 but the rural areas that they're from and just
21 cultural differences.

22 Q Are students ever asked to stay home or
23 sent home due to problem behavior?

24 A If they are sent home, they're
25 suspended. And if they are asked to stay home,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
173

1 then they've been suspended, so -- but they are
2 -- it's not ever put that way.

3 Does that make sense? Yeah.

4 Q Correct. And then likewise, have
5 students ever -- are students ever asked to stay
6 home or sent home due to lack of staff?

7 A Only during COVID. That's been the
8 only time. Not any other time. When we -- you
9 know, such small sites like at Brunswick, which
10 is fairly small, you know, all it takes is for
11 me to be missing maybe five staff and that
12 staff's not safe to run so basically what we do
13 is we close that site for, you know, the
14 recommended isolation period and provide
15 services at home, so we have a backup.

16 Q How frequently did that happen?

17 A That it was closed due to a lack of
18 staff? It was only the Glynn County site and it
19 was only closed once for that.

20 Q Do your attendance rates affect the
21 funding that you receive from the state DOE in
22 any way?

23 A My attendance rates?

24 Q Yes.

25 A They have to be in attendance for at

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
174

1 least ten days of school, but that's it.

2 Q And when you say they have to be in
3 attendance for at least ten days, is that
4 connection to receiving funding from the state?

5 A Yeah. They have to have -- you know,
6 be there ten days.

7 Q From your personal experience at
8 Coastal Academy, what is the shortest length of
9 stay that you've seen from the time that a
10 student begins receiving GNETS services to the
11 time that they're fully transitioned into a
12 general education environment?

13 A Honestly, the shortest I would say
14 would be -- I'm going to go -- I think three
15 months, 90 days. And I've had some of that this
16 year, yeah.

17 Q And then similarly, from your personal
18 experience at Coastal Academy, what is the
19 longest length of stay that you've seen from the
20 time a student begins receiving services to the
21 time that they're fully transitioned back into a
22 general education setting?

23 A From the time that they're fully
24 transitioned back and you're asking fully
25 transitioned back?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
175

1 Q Yes.

2 A Okay. You're not asking -- well, I'm
3 going to say fully transitioned back. I would
4 say the longest, probably three years. That
5 doesn't mean I don't have students that have
6 been with me longer, but I answered your
7 question, so I'm just letting you know.

8 Q Okay. And I guess can you -- I'm not
9 sure if I understand, but just to make sure.

10 You're saying there are students --

11 A You're saying fully transitioned back,
12 and so my assumption would be the moment I
13 transitioned them fully. You didn't say and
14 stayed.

15 Q Okay. So I think I understand what
16 you're saying. So you're saying there would be
17 another category of students who just never
18 transitioned back?

19 A No, I'm saying there's another category
20 of students that do fully transition back and
21 then have to come back within a year or within
22 six months because of issues, you know, they're
23 not able to maintain.

24 Q Okay.

25 A That's what I'm saying.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
176

1 Q Okay. So you're saying you have
2 students who return, but of the students who
3 haven't returned --

4 A I'm saying --

5 Q -- so you're saying the longest is
6 usually around three years?

7 A Uh-huh.

8 Q Do you review data regarding the
9 average length of time that students are
10 enrolled in your program?

11 A Yes.

12 Q Do you have students who have been in
13 your program, whether continuously or
14 interrupted, for more than five years?

15 A Yes.

16 Q Do you have students who have been in
17 your program, again, either continuously or
18 interrupted for ten years or more?

19 A No.

20 Q What would you say is the longest,
21 just, in general, you've had a student who --

22 A Seven.

23 Q Seven?

24 A Uh-huh.

25 Q When you review that data regarding the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
177

1 length of time that students are in a program,
2 what's the context for when you're looking at
3 it?

4 A So you're asking me how I look at it,
5 where that data is?

6 Q Yes, or like why, why are you looking
7 at it and how do use it?

8 A Well, the reason I'm looking at is for
9 the most part, a lot of times, you know, it's
10 done, you know, at the end of each nine weeks
11 when we do our progress monitoring and we're
12 actually tiering or putting our kids in the
13 appropriate level of support, because I can have
14 Johnny and I'm looking at Johnny going, Johnny's
15 been here a long time and then, you know, now
16 we're going to put him back, you know, at Level
17 2.

18 So he's a Level 2 kid. Okay, what can
19 we do to get Johnny in -- and we look at this
20 and we look at everything and we may decide to,
21 you know, or whatever, you know, so we problem
22 solve, I looked at it that way.

23 But also I looked at it in terms of my
24 demographics report that I send to my school or
25 that I actually check and balance with the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
178

1 school system to make sure my kids are accounted
2 for student records. I'd maintain a database
3 that actually has that information in it, number
4 of years, date -- first date enrolled, blah,
5 blah, blah, blah, blah and I looked at it on an
6 annual basis that way for that just to see and
7 to talk to the individual program coordinators
8 about them.

9 Q I'm going to share another document
10 with you on my screen.

11 I'd like for the court reporter to mark
12 this next document as Plaintiff's Exhibit 546.

13 (Whereupon, Plaintiff's Exhibit
14 Number 546 was marked for
15 identification.)

16 BY MS. HAMILTON:

17 Q Ms. Futch, I'm showing you Plaintiff's
18 Exhibit 546. This is an e-mail dated
19 October 13th, 2017 from you to what appears to
20 be some of the GNETS directors with the subject
21 line, reintegration committee meeting.

22 The first page of this document is
23 Bates stamped GA00794669.

24 Do you recognize this document?

25 A I do.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
179

1 Q Okay. And it appears this document is
2 discussing a reintegration committee.

3 What was the reintegration committee?

4 A The reintegration committee was
5 basically developed to develop a reintegration
6 plan, a format to be used at our IEP committee
7 meetings when we have students reintegrating,
8 you know, whether -- you know, even if it's the
9 first class, one class out, reintegrating back
10 to the LEA setting to ensure that the LEA and
11 the GNETS program work together and we cover
12 everything that the child needs from academics
13 to behavior support to does he need to sit with
14 someone at lunch, those types of things.

15 Q Okay. And when we're referring to
16 reintegration now, this is different from the
17 reintegration plan that we were looking at with
18 regard to Wayne County moving its students to
19 your program; correct?

20 A Yes, and I have no idea why it was
21 called the same thing. It is so confusing, but
22 yes.

23 Q Okay. So for the record, what we were
24 looking at earlier was related to new school
25 districts becoming part of your GNETS program?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
180

1 A Right. The transfer from one GNETS to
2 another school district, yeah.

3 Q Okay. And what we're looking at now is
4 related to individual students being
5 reintegrated back into general education
6 settings?

7 A Yes.

8 Q Okay. Was this committee connected to
9 your work serving on the state DOE strategic
10 planning committee?

11 A Yes, I believe it was, uh-huh.

12 Q So the individuals who are listed here
13 in the two -- in the two-part of the message
14 here, I believe it says Samuel Clemens,
15 Cassandra Holyfield, and Jacqueline Neal.

16 A Uh-huh.

17 Q Were those the other members of the
18 reintegration committee?

19 A Yes.

20 Q And they're all GNETS directors;
21 correct?

22 A Yes, they are.

23 Q And then I also see that Nakeba Rame is
24 copied on this e-mail.

25 Was she also a member of a committee?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
181

1 A No. She's just copied because she was
2 my DOE program person, manager.

3 Q Okay. And what was her role? Because
4 I know she did oversee the strategic planning
5 committee. So what was her role with the
6 reintegration committee?

7 A Just to -- so her role was, you know,
8 basically we -- you know, we developed a
9 strategic plan and, you know, kind of took these
10 parts, we knew we had to have them and put the
11 plan together and then, you know, was to -- you
12 know, she established, I guess, chairs of each
13 area and then, you know, oversee to make sure
14 the work got done, I guess, yeah.

15 Q Okay. And were you the chair of the
16 reintegration committee?

17 A Yes.

18 Q Why is the reintegration of students
19 back into the LEA setting important?

20 A Because we want to set them up for
21 success and this was what this plan was all
22 about, you know, it's covering all the holes,
23 you know, what people -- or what we may miss
24 when we're transitioning a student.

25 So, I mean, we want to set them up for

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
182

1 success to hopefully, you know, increase their
2 transition and then stay.

3 Q Before talking more about the work of
4 the committee in particular, I want to show you
5 an e-mail and proposal that you prepared prior
6 to this timeframe. I'm going to share another
7 document on my screen.

8 And I would like for the court reporter
9 to mark this next document as Plaintiff's
10 Exhibit 547.

11 (Whereupon, Plaintiff's Exhibit
12 Number 547 was marked for
13 identification.)

14 BY MS. HAMILTON:

15 Q Ms. Futch, I'm showing you Plaintiff's
16 Exhibit 547. This is an e-mail dated January
17 30th, 2017 from you to Nakeba Rame with the
18 subject proposal for transition classes in Glynn
19 County.

20 There's also -- I'm just going to
21 scroll down -- a memo that's attached dated
22 January 26th, 2017 from you to Howard Mann with
23 the same subject line.

24 A Yep.

25 Q And the first page is Bates stamp

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
183

1 GA00131256.

2 I will give you control if you want to
3 take a brief moment to scroll through and let me
4 know when you're ready.

5 THE VIDEOGRAPHER: We'll go off the
6 record now at 1:23 p.m.

7 (Whereupon, a short break was
8 taken.)

9 THE VIDEOGRAPHER: We're back on
10 record at 1:25 p.m. Please proceed.

11 BY MS. HAMILTON:

12 Q Ms. Futch, I'm going to put the
13 document back on the screen that you were
14 reviewing and also give you control again. Let
15 me know when you're ready.

16 A Okay. I'm ready.

17 Q Okay. I'll take back control.

18 So, let's see, do you recognize these
19 documents?

20 A Yes, ma'am.

21 Q Okay. Now, I want to start with the
22 attached memo.

23 Did you draft the attached memo?

24 A I did.

25 Q Why did you prepare it?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
184

1 A Because, in my opinion, there was a
2 need in the district to establish another step
3 before coming to Coastal Academy. There was
4 inclusion and there was nothing amiss and I felt
5 that now is the opportunity, you know, let's
6 turn this into a good thing and, you know,
7 attempt to establish and, you know, have
8 equitable services at that time.

9 Q And this memo was addressed to the
10 superintendent of Glynn County schools; correct?

11 A It was, uh-huh.

12 Q So I want to look at the third
13 paragraph here, and you state that, at the
14 beginning, currently, all services provided for
15 Glynn County students that require instances in
16 therapeutic behavior intervention is done in a
17 separate school environment.

18 Do you remember -- yeah, go ahead?

19 A Coastal Academy.

20 Q Coastal Academy. Yeah, I was just
21 going to say, are you referring to the GNETS
22 services being provided in separate school
23 environments?

24 A Yes.

25 Q And then you go on to note that, quote,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
185

1 under current federal and state regulations,
2 school districts are required to provide
3 continual services that ensures access to an
4 appropriate education least restrictive
5 environment.

6 You also note the Code of Federal
7 Regulations requires the school district, the
8 maximum extent possible, provide access to the
9 same educational and extracurricular options for
10 special education students as is available for
11 nondisabled students.

12 Do you see that?

13 A Yes, ma'am.

14 Q How is that information relevant in
15 this proposal that you're drafting regarding the
16 transition of students?

17 A It's relevant because I'm hoping that
18 they'll use it to make a very informed decision
19 on providing services to students with -- that
20 require a more therapeutic intensive
21 intervention approach. And because, you know,
22 it is the Code of Federal Regulations and so I'm
23 asking, you know -- you know, Glynn County -- I
24 mean, at that time, I mean, they are a huge
25 school district, you know, and there really

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
186

1 should have been more to that continuum going
2 on.

3 Q All right. And the next -- I'm sorry,
4 I didn't meant you to cut you off.

5 A No. I was going to say, does that
6 answer your question?

7 Q Yes, that does.

8 A Okay.

9 Q In the next paragraph, you state that
10 the Department of Justice issued a findings
11 letter, quote, notifying the State of Georgia
12 that it was violating ADA by unnecessarily
13 providing mental health and therapeutic
14 educational services to students with
15 behavior-related disabilities in segregated
16 settings, denying them opportunities for
17 meaningful interaction with their peers without
18 disabilities.

19 Do you see that?

20 A I do, uh-huh.

21 Q And you also mention that DOJ filed a
22 lawsuit.

23 Why was all of this information
24 relevant when you were drafting your memo?

25 A Again, I was just using it as evidence

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
187

1 that we need to provide more on the continuum.
2 And, mind you, you know, Glynn County was not
3 the only one of the systems being served that
4 had this same issue, but at that time it was
5 where my office, my regional office was located
6 and I was able -- I wanted to start with them
7 because I was there, so...

8 Q In the next paragraph, you state that
9 Glynn County schools is currently operating in a
10 manner that limits the continuum of services for
11 students that require intensive and therapeutic
12 behavior support.

13 Do you see that language?

14 A I do.

15 Q What solution were you proposing to
16 address this problem?

17 A That essentially, they put in almost
18 another step where we add -- well, basically, we
19 would add -- at this point, I was proposing
20 that, you know, because -- you know, that we
21 would add a GNETS, GNETS classrooms -- Okay? --
22 staffed by, you know, GNETS folks so that it
23 would be another step on their continuum before
24 they are taking those kids -- those students out
25 of the GNETS setting and putting them in a

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
188

1 center-based program.

2 And so at that time, I was proposing
3 that they work in conjunction with GNETS. Here
4 I am offering to do it, you know, for you. I
5 mean, we can fund it, the majority of it, I
6 believe. I can't remember what I put in there
7 for funding at that point in time but -- I'd
8 have to look at the bottom.

9 But so -- I mean, again, it would --
10 you know, I was just letting them know, hey,
11 it's not going to be, you know, you doing it.
12 Let us come. Let us add that extra step for
13 you. We're not saying we'll do away with this,
14 we're just saying let's put some here.

15 Q And just to make sure I understand.

16 So what you were proposing was -- let
17 me know if I'm accurately summarizing this.

18 What you were proposing was for there
19 to be GNETS classrooms in the general education
20 setting?

21 A Yes, but, you know, I would have been
22 happy if they would have been a resource or
23 whatever. But, again, you know, I was -- you
24 know, because my memo was kind of -- you know,
25 it's heavy going to a superintendent and so I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
189

1 was trying to put a little bit of, you know,
2 here, let me tell you how we can do this to
3 begin with. GNETS can start, you know -- so
4 does that make sense?

5 Q I think so. Maybe just to clarify a
6 little further.

7 So for the students who would have been
8 participating in these transition classes, is it
9 accurate to say that these are essentially
10 school-based GNETS classrooms?

11 A Well, school-based and my -- you know,
12 implies that, yes. Yes, it's school-based, but
13 we're not talking putting on a separate wing,
14 we're talking right there in the school.

15 Does that make sense.

16 Q Okay.

17 A A lot of school-based sites are on a
18 different wing in the school. You know, we're
19 talking about three classes, one in the
20 particular elementary, middle, or high.

21 Q Would the students have had
22 opportunities to be integrated with students
23 without disabilities in GNETS?

24 A Yes, yes, yes.

25 Q And would they have attended any

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
190

1 classes with students who weren't in the GNETS
2 program?

3 A That is an IEP committee decision, but
4 the goal would have been, yes, you may not -- we
5 may not have started them this in particular --
6 I mean, the thing is that there were a variety
7 of options available, it added way more of a
8 continuum than just the class.

9 You know, maybe it would have been
10 easier for maybe someone to come over and get
11 social skills instruction in this particular
12 class and then go back, you know, so yes, that
13 would be --

14 Q Okay. Was the therapeutic services
15 that were being provided in the GNETS center
16 being provided to the students who would have
17 been in these transition classes in GNETS
18 settings?

19 A Yes. Yes, you know, we added in, you
20 know, sending that staff over to those locations
21 or, you know, would have hired, you know,
22 whatever we needed, but yes.

23 The only thing, you know, technically
24 they would not have been getting that they would
25 have gotten in center would have been the --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
191

1 just the environment difference being a smaller
2 setting, those types of things.

3 Q The students who would have been
4 participating in these transition classes, would
5 these have been students at all different tier
6 levels who were being served by Glynn County or
7 was it focused on a particular subset?

8 A No. This would have been students that
9 would have -- you know, they're -- previously
10 they were doing -- you know, recommending a
11 student for consideration of services that were
12 having to go straight from inclusion to GNETS.
13 And, I mean, there may have been a few resource
14 classes in the system, but not many.

15 But in this particular instance, they
16 would have more options, and the first thing
17 would be to consider this particular room on the
18 continuum and whether they required that room
19 full-time or part day or, you know, like just a
20 social skills instruction class or whatever.

21 And so they would go there first and
22 then if -- because they either continue -- they
23 couldn't make it in that resource, then we'd go
24 over, then, to the center base. And this was
25 meant to be vice versa. So when transitioning

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
192

1 we would start transitioning back that way to a
2 smaller setting, gives them more chances of
3 success, of course, and with the -- you know,
4 starting there and then transitioning out until
5 they're fully out.

6 Does that make sense? So it would go
7 both ways.

8 Q Okay. What happened after you drafted
9 the memo?

10 A I met with the special ed director and
11 I think her program specialist, and at that time
12 it was Dr. Carol Gickem (phonetic) and reviewed
13 this.

14 And then -- scroll -- can you scroll
15 down to the bottom, let me just make sure?

16 Q This is the very end.

17 A Yeah. And then nothing happened. That
18 was it.

19 Q Okay. And when you say "nothing
20 happened," no transition classes manifested from
21 this proposal?

22 A Right, yes.

23 Q Why was that?

24 A The date on that was January 26, 2017.
25 I wrote it then because I was considering doing

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
193

1 it for the upcoming school year, you know? I
2 don't -- I'm not really 100 percent sure what
3 happened on their end, at all, but I do know
4 that in 2018, I believe was the year that that
5 Brunswick facility was closed, that older
6 facility and we actually moved to a different
7 wing. And that was like -- we closed four days
8 before the first day of school and that was
9 done, but it really had nothing to do with that.

10 But -- but I will say, shortly
11 thereafter, the special ed director retired at
12 the end of that school year and -- yeah. Yeah,
13 retired -- and I'm trying to remember -- retired
14 at the end of that school year and got a new
15 special ed director.

16 And because we moved into a smaller
17 facility, you know, there were kids that we
18 needed to really go through and decide whether
19 or not they were appropriate. So we
20 transitioned a good many, and as a result,
21 they -- Glynn County developed what's called the
22 ARC program, which is essentially this. So they
23 eventually did it.

24 Q Okay.

25 A And it's almost, you know, essentially

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
194

1 this, but it's funded by them, they run it and
2 everything.

3 Q At the time when you had written the
4 memo, whose approval would you have needed in
5 order to implement the program?

6 A Special ed director and superintendent.

7 Q And then I just noticed the original
8 cover e-mail had been sent to Nakeba Rame.

9 A Yes, uh-huh.

10 Q Would she have been involved, at all,
11 in that decision-making process?

12 A No, she was not involved. She just --
13 I mean, she and I had talked about it and
14 discussed it. I mean, she was very
15 knowledgeable, I thought a lot -- I mean, still
16 do think a lot of her and I always wanted her
17 feedback and so I was -- you know, since we
18 discussed it, I was sending it to her to just
19 get some feedback on it.

20 She had provided, you know, pretty good
21 assistance. But no, she was not involved in the
22 decision making.

23 Q And do you remember what feedback she
24 did provide on the proposal?

25 A I don't. I don't remember. I'm sorry.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
195

1 Q All right. I want to return now --
2 well, actually, one other question.

3 I think you had mentioned that there
4 were other school districts that might have
5 benefitted from something like this.

6 Did you draft any other memos of this
7 nature proposing transition classes in -- for
8 other districts?

9 A No. That was my intention, but then,
10 of course, you know, we closed one site and also
11 -- so we were trying to get -- you know, it was
12 kind of a busy year, so I did not.

13 But, you know, I spoke to various, but
14 I will say that at this point in time, they have
15 all -- they all have now, that resource step.
16 Actually, Bryan County was right after Glynn and
17 then we had Liberty, so --

18 Q I do just want to follow up on
19 something you just said. So you mentioned that
20 in 2018, that one of your facilities was closed.

21 What was -- what prompted the closing
22 of that facility?

23 A The DOE did -- I believe it was 2018.
24 Now I can't be sure of the date, but I'm pretty
25 sure it was 20 -- or was it before that? No, it

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
196

1 was -- I think it was 2018. I'm really bad with
2 dates, but -- so don't -- I'm not 100 percent
3 sure it was 2018 -- but anyway, the DOE did site
4 visits, the facilities folks and -- to look at
5 our sites and my Glynn County site was a very,
6 very old site and there were -- as a result, I
7 believe there were six or nine programs that had
8 facilities closed and had to move facilities.
9 Like I said, maybe -- maybe two weeks before
10 school started in August.

11 So we had to locate a facility, get
12 everything moved, get everything ready to go,
13 but I can't recall the exact dates. But the
14 State Board of Ed did that. And then I remember
15 how it happened. I got a phone call from Nakeba
16 at lunch and -- because we had a meeting at 1:00
17 with the DOE and she gave me the heads up, and I
18 was like, oh, you've got to be kidding, and
19 that's what it was about. And they put some
20 things in place regarding our facility.

21 Q Okay. And, I guess, which facility was
22 impact -- which facility was closed and then
23 where did those students move?

24 A All right. So I was -- in Glynn
25 County, we were at 3734 Ross Road and those

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
197

1 students, we then transitioned to -- we call it
2 the Risley Annex Building, REX, and it's at 2900
3 Albany Street. The building had been completely
4 redone, was almost brand new, and we got --
5 we're, like, on Wing A of that building.

6 Q Has the state DOE identified any other
7 facilities affiliated with Coastal Academy that
8 required either closure or major renovations,
9 maintenance changes?

10 A You know, when they came through and
11 did site visits, you know, they gave us -- they
12 gave assistance, I think, information on what
13 needed to happen, and I believe there was a
14 facilities grant that the systems got, and I
15 don't know how much. I mean, I wasn't really
16 involved in that, to help with the cost and my
17 -- like my Hinesville -- my Liberty site had to
18 do it, and at that time, the campus site, they
19 made those improvements to those buildings.

20 Q And I know you mentioned that Nakeba
21 Rame was one of your points of contact during
22 that time.

23 Was there anyone else who you dealt
24 with in connection with the facilities issues
25 from the state DOE?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
198

1 A Yeah. There was a guy but I can't
2 remember his name. I think he was over the --
3 or somewhere, you know, program manager or
4 whatever of the facilities area but, I'm sorry,
5 I can't remember his name.

6 Q Is his name Mike Rowland by any chance?
7 Mike Rowland by any chance?

8 A I thought -- I don't think so.

9 Q Okay. No worries.
10 But it was someone from the state --
11 another person from the state DOE who --

12 A Yes, uh-huh.

13 Q Okay. I want to turn back to your work
14 on the state DOE reintegration committee. I'm
15 going to show you another document.

16 I'd like for the court reporter to mark
17 this document as Plaintiff's Exhibit 548.

18 (Whereupon, Plaintiff's Exhibit
19 Number 548 was marked for
20 identification.)

21 BY MS. HAMILTON:

22 Q Ms. Futch, I'm now showing you
23 Plaintiff's Exhibit 548.

24 This is an e-mail dated November 14th,
25 2017, from you to Nabeka Rame, Cassandra

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
199

1 Holyfield, Samuels Clemens, and Jacqueline Neal
2 with the subject line GNETS Reintegration Plan.
3 It includes one attachment, and the first page
4 is Bates stamped GA00227998.

5 I'll give you control if you want to
6 take a quick moment. Let's see. Make sure we
7 get it working for you.

8 A Okay.

9 Q Is it working?

10 A I think so. Yes, I'm done.

11 Q Okay. Do you recognize these
12 documents?

13 A I do.

14 Q Did you prepare the first draft of the
15 reintegration plan?

16 A I did. It was a very rough draft.

17 Q And is that the document that's
18 attached to this cover e-mail?

19 A It is.

20 Q I'm going to actually walk through this
21 document that you prepared and I want to start
22 here at the beginning.

23 What was the stated purpose of the
24 student reintegration plan?

25 A To ensure the appropriate supports are

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
200

1 in place with in the LEA setting to make
2 reintegration more successful for the
3 self-contained GNETS students.

4 Q And as the originally envisioned, when
5 was the plan supposed to be developed for each
6 student?

7 A At their transitioning -- the initial
8 transitioning IEP -- oh, I'm sorry, at the
9 original -- honestly, my idea was at the -- for
10 the original development of it, it would be
11 developed upon the time the student actually
12 was -- you know, new students were referred to
13 us so that we would see, vice versa, what was
14 going on, their, you know, supports and all
15 needed and what they would need from them as
16 well coming to us because it works both ways.

17 And also, we'd have a better idea of --
18 I just -- I found that it would make -- I felt
19 that it would make the process more concise and
20 consistent, organized, planned, you know, yes,
21 you know, behaviors, often, I look one way there
22 and one way when they get to us. But, again,
23 that's what the IEP team's for, we go back and
24 modify and change it again or whatever.

25 But that was where it was initially

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
201

1 supposed to be done upon their initial
2 entrance -- Okay? -- and it was maintained and
3 updated as needed. And then, of course, done at
4 -- again, at the first transitioning IEP meeting
5 and so forth.

6 Q Okay. It sounds like by the time you
7 got to the final version, is it accurate to say
8 that that process had changed?

9 A Yeah. They didn't like my idea. But
10 yeah.

11 Q Okay. We'll talk about the final
12 version, but that's helpful to know.

13 So it also appears that there are seven
14 steps that would be involved with the process.

15 Step one says, collaborate with LEAs to
16 identify opportunities for students to receive
17 GNETS services in the LRE, both indirect and
18 direct.

19 Why was this step important to have as
20 part of the reintegration plan?

21 A All right. So I saw this as more of a
22 fluid document that would come almost -- you
23 know, be a part of that, the finishing piece at
24 a meeting with the final consideration of
25 services -- Okay? -- document.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
202

1 And I -- this was important because I
2 was trying to say, can we provide supports now
3 to keep this kid with you? What can we do? You
4 know, and I was -- you know, GNETS services
5 available in the LRE setting, if that makes
6 sense, so I was like, what can I do? Can we
7 send staff to come over, you know?

8 You know, no, I can't send a staff
9 person for ten days, collect ten days of SBA
10 data, but we can come over, train your staff,
11 and then come back over when the data's
12 collected, analyze it, and help -- you know,
13 those types of things, and help write that.

14 So these are the types of things that I
15 put here. Even model behavior divisions, like
16 go over and teach a class, you know, to model
17 that. Provide social -- like I had proposed
18 that we work and -- you know, with our systems
19 and, like, go over and send a person to provide
20 social skills instruction for, you know, each
21 day, one period a day, you know, to those kids
22 on their, you know, MTSS, whatever Level 2 that
23 may need this and maybe they may not be as
24 familiar with providing that.

25 And so that's what that was about. To

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
203

1 me it -- again, it is part of reintegration.

2 It's an involvement of us and the LEA from start
3 to finish and it's -- I don't know, it just made
4 sense to me in my head, so...

5 Q Okay. All right. Well, let's move on
6 to Step Number 2.

7 All right. In Step 2, the next part of
8 the process for this -- the individual student's
9 reintegration plan would be identifying how in
10 kind and financial contributions from LEAs to
11 support student reintegration and/or access to
12 equal educational opportunities.

13 Did I read that correctly?

14 A Yes, ma'am.

15 Q Okay. Why is this step important to
16 consider? Why did you consider this step to be
17 important to include as part of the
18 reintegration plan?

19 A The students that GNETS serve, those
20 students require the most intensive
21 interventions, and currently, there's not enough
22 funding that we get to provide that. To provide
23 all the, you know, mental health staff that we
24 need and to provide, you know, the RBTs or
25 whatever. You know, it's getting better, but

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
204

1 it's still limited.

2 So -- and these kids are still -- they
3 still belong to the district. We are just a
4 service on their continuum. So, I mean, I
5 wanted to have it here, you know, upfront, you
6 know, considered, this is what I'm going to need
7 access to for this student, you know?

8 And this also would -- you know, if
9 they were doing Read 180 here, then, you know,
10 hey, give me his login information, they can do
11 Read 180 over here, you know, because this is
12 your kid and you've got a license for it. It's
13 really not any more money, you know?

14 So this was the kind of thing that I
15 was saying here, you could think outside the box
16 ahead of time so that we can get these things in
17 place, get the textbooks, all those things in
18 place before the kid ever comes to GNETS.

19 PTA funds, I mean, that's just, look,
20 remembering these kids, students belong to your
21 schools, belong to you and we don't have PTA --
22 Okay? -- and, you know, as far as PBIS
23 incentives and things like that, we can't use
24 state and federal grant dollars for that. So
25 how do we do it? Well, we fund raise. Well, we

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
205

1 don't ask our students to fund raise so it's on
2 the staff.

3 So honestly, that idea came from Camden
4 County. Camden County, at the time, that
5 superintendent, Will Harden, made every one of
6 his schools provide a portion of their PTA
7 money, a proportionate share to our GNETS
8 program for those types of things. They wrote
9 us a check each year for that. So, you know, I
10 think that's a great idea. Again, these kids
11 belong to them.

12 And then any additional staff, I mean,
13 you know, it's -- again, we don't have that --
14 we don't have those tax dollars, that millage
15 rate is not applied here, you know, and I'm not
16 saying our systems have a lot of it either but
17 there are other funding mechanisms there, you
18 know, to consider. So -- and again, these are
19 their students so I was just make -- you know,
20 keeping them aware.

21 Q Okay. And I do want to ask you, this
22 first point here where it says, provide access
23 to the same software and curriculum tools for
24 GNETS students that are used in the LEA setting.

25 Is that not -- is that not a guarantee,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
206

1 that students would have access to the same
2 software and curriculum schools in the GNETS
3 program as they had in the general education
4 setting?

5 A At that time?

6 Q Yes.

7 A In 2000, whatever date that was, '17?

8 Q 2017, yes.

9 A They should have, but was it a
10 guarantee? No, I had to -- we had to work for
11 it. I mean, like, I had to go and get it, and
12 if I didn't get it, I had to tell somebody to
13 get it. So that's why, you know, we wanted to
14 put this in there, but now it is common
15 practice.

16 Q All right. I want to look now at Step
17 3.

18 Step 3 says collaborate with -- yeah,
19 Step 3 says collaborate with LEAs to determine
20 opportunities for students to take some course
21 in the general education setting in the areas
22 that they're currently being successful.

23 Did I read that correctly?

24 A Uh-huh.

25 Q Okay. And I'm just going to scroll.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
207

1 There's some additional language there and then
2 there's some examples here. In fact, let me see
3 if I can get this on one page. There we go.

4 So why was it important to you to
5 include a step where the programs would have --
6 would work with the LEAs to find opportunities
7 for students to take a course in the general
8 education setting?

9 A All or nothing thinking. And, again,
10 often, students did not -- I mean, there were
11 classes, electives, you know, and things that
12 students did not demonstrate behavior issues.
13 Now not all students. Some students demonstrate
14 behavior issues throughout everything, but some
15 did not and, you know, I just kind of thought,
16 well, there -- here's an opportunity for them to
17 participate with their peers, you know, and have
18 access, you know, to services.

19 Or to, you know, equitable services or
20 at least those -- you know, most of the time I'm
21 here referring to, you know, like, connections
22 and electives, to things with their general ed
23 peers population because, again, some students,
24 I think, you know, just require -- maybe
25 required social skills instruction. There was a

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
208

1 -- you know, a benefit for that or, you know,
2 maybe half day or, you know, again, maybe they
3 did really great in social studies or whatever
4 because they loved that area.

5 And so it was just something that I
6 wanted to consider with this, and then to make
7 sure that we made that successful, provided
8 support for it.

9 Q Okay. Step 4 says, GNETS will
10 collaborate with LEA to consider what academics
11 supports are necessary in the LEA settings to
12 ensure that reintegration of the student is
13 successful.

14 Do you see that language?

15 A I do.

16 Q Why was this step important to you to
17 include in the integration plan?

18 A Okay. So a lot -- well, because --- I
19 can't remember the exact percentage, but there
20 -- you know, there's a high percentage of EBD
21 kids and research indicates they're actually SLD
22 or actually have academic issues and they kind
23 of fly low under the radar. And the behavior,
24 you know, becomes prevalent because they don't
25 want to do -- and they can't do the work and

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
209

1 they become frustrated.

2 And guess what's easily seen? That's
3 seen by the teacher and they've completed their
4 -- skills, all the sudden they're EBD -- Okay?
5 -- they didn't do SLD, whatever, and, you know,
6 to no one's fault, that's just how it works
7 and -- but when they get to us, it's much
8 smaller and then all of a sudden, we're sitting
9 in a classroom with five or six kids, a teacher
10 and a para pro and we realize that this sixth
11 grade kid can't read.

12 I mean, you know, he is barely -- you
13 know, knows, maybe first grade sight words, you
14 know, and we're like, well, hello, you know,
15 and -- because, again, it's smaller and we can
16 work with them more individually so we see this.
17 So, again, we put them on whatever supports that
18 we're using, I-Ready, whatever.

19 And so this is for that. This is to,
20 you know, get over there and let them know, hey,
21 we really have here, a dyslexia issue, a problem
22 here, you know, maybe -- you know, not to have
23 them reevaluated, but here's what he needs to be
24 successful and here's the accommodations and
25 supports that he needs in reading to be

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
210

1 successful.

2 You know, he needs something to track,
3 you know, if these -- you know, fluency or
4 whatever. I mean, it -- it's for that reason.

5 Q Okay. And, I guess, if Step 4 is
6 focused on what the students needs, what
7 supports a student needs from an academic
8 standpoint, is it accurate to say that Step 5,
9 which comes next, is focused on the behavioral
10 support --

11 A Yes.

12 Q -- that you-all -- that you felt
13 students needed to be successful in the GNET
14 setting?

15 A Yeah. And these are -- again, these
16 are examples. That's not all inclusive or
17 anything, just some things I listed for the
18 committee to go in and do.

19 Q Okay. And why is it important that
20 students have behavioral supports in order to be
21 -- that your GNETS students, if they're
22 transitioning, in order for them to be
23 successful in making the transition?

24 A The environment, absolutely, all the
25 way. I mean, even down, you know, not to the --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
211

1 you know, to the rigor of the academics, but to
2 the point that we're able -- we're much smaller,
3 you know, classes and there's two people in the
4 room and, you know -- so we want to make sure if
5 it's, you know, behavioral or whatever, there is
6 support, you know, and determine how long
7 support will last or come back and meet,
8 determine we need to, you know, get rid of it
9 or, you know, what -- but, again, if they were
10 referred to us with poor behavior, and, again,
11 we're letting them meet -- once they've met
12 those IEP goals or what the issue is, you know,
13 we want them to, of course, transition but we
14 want them to be successful, so we want to -- the
15 setting is so different from a center-based to a
16 LEA setting, general ed setting.

17 Even walking, opening the doors and
18 walking in the hallway. So I mean, we want to
19 make sure that we're not going to cut that
20 support because they're going from high
21 structure and support to, boom. And so this was
22 intended to, you know, make sure that we put
23 those appropriate supports in place for a time
24 frame to ensure success.

25 Q All right. And then Step 6 appears to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
212

1 focus on the social emotional support that
2 students would need to be successful.

3 How is that distinct from those
4 behavior supports that we just discussed a
5 moment ago?

6 A Well, actually, at this point, I --
7 actually, now, looking at this, I would have put
8 totally different things in here. Okay?

9 And that question, I mean, I had to
10 answer that for my -- one of my dissertation
11 committee chairs. So basically, social
12 emotional behavioral can be combined, and that's
13 fine, but when I say social emotional, I am --
14 you know, I'm talk -- I'm talking more about the
15 underlying, the upstream, the why.

16 And so this actually should -- you
17 know, social emotional supports here would
18 reflect trauma-informed care and it should --
19 you know, social skills instruction, yes, but
20 something like, you know, therapeutic supports,
21 you know, and that's where that comes in at,
22 like individual counseling, group counseling,
23 those types of things here would be worked in
24 here to address more than that internalizing and
25 externalization behavior, but address the why

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
213

1 under it.

2 Q Okay. And then I just want to turn to
3 the very last step here. It says, GNETS will
4 collaborate with the LEA to consider what
5 community supports are necessary in the LEA
6 setting to ensure that reintegration of the
7 student is successful.

8 When you included community supports,
9 what were you envisioning?

10 A Wraparound. I mean, and again, that's
11 gotten better, but at this point in time, I
12 mean, there are so many barriers that our kids
13 have, we can't possibly address everything in
14 the school setting. I mean, there is nothing I
15 control about what's going on at home, you know,
16 but here, I do.

17 So hopefully getting these community
18 supports involved and providing them services
19 that include every aspect, or as much as
20 possible, would increase their chances of
21 success.

22 And so this is what I was thinking
23 about, you know, getting our community service
24 providers involved, you know. There's a variety
25 of 50 providers, counseling agencies, LIPT,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
214

1 CHIN, you know, social worker, so that's what
2 that was about.

3 Q Okay. I'm going to show you another
4 document.

5 And I would like for the court reporter
6 to mark this document as Plaintiff's
7 Exhibit 549.

8 (Whereupon, Plaintiff's Exhibit
9 Number 549 was marked for
10 identification.)

11 BY MS. HAMILTON:

12 Q Ms. Futch, I'm showing you Plaintiff's
13 Exhibit 549 now as well. This is an e-mail
14 dated January 12, 2018 from you to what appears
15 to be the reintegration committee, plus I see
16 Nakeba Rame and Vickie Cleveland on this e-mail.

17 The subject line is GNETS Reintegration
18 Plan. It's -- and attachment, and the first
19 page is Bates stamp GA00015229. I'll let you
20 have control here.

21 A Okay.

22 Q And if you want to take a moment to
23 scroll through and let me know when you're
24 ready.

25 A Okay.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
215

1 Q All right. Do you recognize this
2 document?

3 A I do.

4 Q Okay. Is it accurate to say that this
5 e-mail contains another draft of the
6 reintegration plan?

7 A Yes.

8 Q And this plan would have drafted as of
9 January 12th, 2018; correct?

10 A Yes.

11 Q Okay. Just from scrolling through the
12 document, were there any major changes that you
13 remember being made from some of the earlier
14 drafts to this one that we're looking at now?

15 A Again, we condensed it, I mean, like,
16 you know, because I wasn't sure of the format
17 anyway.

18 But basically, that document contained
19 everything in that prior document because we
20 essentially agreed, once I -- you know, and I
21 was -- I was happy to recall that when I put
22 those steps in there, we called it integration
23 and reintegration because that was the purpose
24 or, you know, how -- my outside the box thinking
25 of that.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
216

1 And so this was just a more condensed
2 version but pretty much included everything, and
3 as, you know, the GNETS staff going to the IEP
4 meeting, it was our responsibility to teach
5 everybody and, you know, expound upon what
6 things were listed.

7 Q We won't spend much time on this
8 document, but I do want to actually look at that
9 language you just referenced about the
10 integration and reintegration.

11 If you look at the third bullet point,
12 it reads, this plan contains two sections,
13 integration and reintegration. Integration to
14 be completed by the IEP team upon entrance to
15 the GNETS program and reintegration to be
16 completed by the IEP team upon exit of the GNETS
17 program.

18 So here it does appear there's a
19 distinction being made between integration and
20 reintegration.

21 What is the difference?

22 A Just like I said previously,
23 integration is them coming or, you know, the
24 initial consideration of services coming with
25 us. And then the exit would be their first

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
217

1 class to transition our -- and then to complete
2 the exit, yes, is the reintegration.

3 Q So am I recapping correctly if I say
4 the integration section is focused on ways to
5 integrate the student in GNETS settings while
6 they're still in GNETS?

7 A Both. It is both. It is meant to,
8 yes, discuss that at the -- you know, with the
9 -- or whatever, if that's what the IEP team or
10 whatever decides, yes, it is meant to provide
11 those support -- you know, supports and discuss
12 that, but also it's meant to make sure that if
13 ultimately he is served with us -- I mean, or
14 placed with us, then that -- that student
15 receives appropriate supports from that LEA as
16 well.

17 Q Okay. And then reintegration is
18 focused on ways to integrate that student once
19 they've completed the GNETS program?

20 A Well, not completed, but once we start
21 transitioning that to the -- back to the LEA
22 setting, it's focused on the supports required
23 from both LEA and GNETS. GNETS would provide --
24 the LEA would provide to ensure that -- what the
25 student needs to ensure that that transition's

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
218

1 successful or, you know, could be successful,
2 yes.

3 Q Okay. So the reintegration are -- is
4 focused on the supports for the transition back
5 to --

6 A Yes.

7 Q -- in GNETS?

8 I'm going to show you another document.

9 I would like for the court reporter to
10 mark this next document as Plaintiff's
11 Exhibit 550.

12 (Whereupon, Plaintiff's Exhibit
13 Number 550 was marked for
14 identification.)

15 BY MS. HAMILTON:

16 Q And, Ms. Futch, I'm now showing you
17 Plaintiff's Exhibit 550. This is a document
18 titled Guidance and Planning Documents for
19 Student Reintegrations from GNETS to an LEA
20 Setting.

21 We received this document in response
22 to Item Number 8 in the United States subpoena
23 for the production of documents, and just noting
24 for our internal numbering, this was Coastal
25 Academy stamp 003010.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
219

1 I'll give you a moment to scroll
2 through the document, let me know when you're
3 ready.

4 A I'm ready.

5 Q Okay. Do you recognize this document?

6 A I do.

7 Q Is this the final version of the
8 reintegration plan that the committee worked on?

9 A I did not work on that.

10 Q Okay. And when you say you didn't work
11 on it, you didn't work on this particular
12 version of it?

13 A I did not.

14 Q Okay. What happened in the time period
15 when you were on the committee and when this
16 document was finalized?

17 A I really -- let me just say I don't
18 know what happened. I know that we had a --
19 that last document, and I don't recall, this
20 came not long after that, but a few months or
21 whatever at a GNETS directors meeting, the first
22 time I saw it -- well, I'm not even going to say
23 that because I don't -- I can't recall if it was
24 the first time I saw it, but I do recall being
25 at a GNETS directors meeting and, you know, us

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
220

1 coming up to talk about it and they gave it to
2 me to explain.

3 And it wasn't my document. But, again,
4 I can't remember -- and maybe it was sent to me
5 before, I don't remember, but I know that had it
6 been, I probably would have been angry about it.

7 Q Okay. What was your opinion on this
8 document when you received -- or when you saw
9 it?

10 A Well, we had -- I mean, the committee
11 that had been working, you know -- you know, it
12 was -- it's different. There is no integration
13 piece and, you know, it is just about, you know,
14 reintegration of students and -- to assess their
15 needs and such, and the things that should take
16 place before -- you know, and, of course, like
17 it says, in the first ten days or whatever.

18 And it is about some of the supports.
19 It does include that, that they need to
20 reintegrate successfully, but it definitely is
21 not about integration, which I thought we had
22 had an agreement.

23 Q Why do you think the integration
24 portion would have been removed?

25 A I don't know. Maybe -- maybe we did

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
221

1 have an agreement. Maybe I misunderstood.
2 Maybe -- maybe I was -- just misunderstood,
3 maybe -- you know, maybe I -- but, you know,
4 they were all in the e-mail. We went back and
5 forth. We met.

6 But I honestly do not know. I do know,
7 though, that if I'm not -- and I don't recall,
8 but I do know that Nakeba -- that at this point
9 in time, Vickie -- Vickie was doing it, Vickie
10 Cleveland, and I believe Nakeba had maybe become
11 federal programs whatever person at that time
12 and was not as involved. And so I don't know
13 what happened, but this is not what I did --
14 what the committee that I was on, that document.

15 Q Okay. Were there any other changes
16 that you saw in the final version that surprised
17 you?

18 A Can I scroll down again?

19 Q Sure.

20 A There is -- there's really nothing that
21 says anything about any kind services or
22 supports or funding for additional staff. Yeah,
23 and I do remember -- I remember that, actually,
24 that -- well, looking at this and remember --
25 and thinking, you know, and -- but really, no.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
222

1 I mean, if -- you know, it includes
2 most of -- you know, other than -- none of the
3 integration piece, but most of what the other
4 one had it in, for the most part.

5 Q Okay. And do you currently use this
6 document in your GNETS program?

7 A I believe that's the one we use. I'm
8 not certain. I don't think there was another
9 one after this.

10 Q And I --

11 A Do you think -- huh?

12 Q Oh, no, I was going to say, I know this
13 is the version of the document you provided to
14 us but --

15 A Yeah, but like I said --

16 Q Yeah.

17 A -- that was the last one. So, yes, we
18 are -- we are using it.

19 Q I want to show you another document.

20 I would like for the court reporter to
21 mark this document as Plaintiff's Exhibit 551.

22 (Whereupon, Plaintiff's Exhibit
23 Number 551 was marked for
24 identification.)

25 BY MS. HAMILTON:

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
223

1 Q And, Ms. Futch, I'm currently showing
2 you Plaintiff's Exhibit 551. This document was
3 produced in response to our request for a copy
4 of Coastal Academy's GNETS grant application --

5 A Uh-huh.

6 Q -- for fiscal year 2022, and then our
7 internal DOJ Bates numbering was Coastal Academy
8 stamp 000250.

9 I will give you control if you just
10 want to skim through. You don't need to read it
11 page by page, but I do want you to look to
12 confirm that this is what you provided.

13 A Yeah, it's mine.

14 Q Okay. Great. And am I correct that
15 this is the Coastal Academy GNETS grant
16 application for fiscal year 2022?

17 A Yes, ma'am.

18 Q On the first page, there's a
19 handwritten note that says FY22 grant
20 application contains flagging data for FY21.

21 What does this mean?

22 A That was for DOJ so that they knew that
23 this was my grant app, yes, for FY22, but the
24 data I asked for is from '21.

25 Q Okay.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
224

1 A It reflects the '21 school year.

2 Q Okay. So you're using the data from
3 the 2021 school year to make projections for
4 fiscal year '22; is that accurate?

5 A Yeah. It asks for how many resident --
6 you know, all these different things and, you
7 know, so I don't know how they use it. I mean,
8 does that make sense?

9 But that's -- you know, it's always --
10 you know, the data that is included is always
11 from the year before.

12 Now, the -- you know, like staffing and
13 things like that, that's the most up-to-data
14 data that we have, but the majority of stuff,
15 how many kids -- you know, because this is due
16 May 30th or whatever, you know, physical
17 restraints are -- it's from that FY21 school
18 year.

19 Q Okay. That is very helpful. All
20 right.

21 So I want us to look at page 8, scroll
22 there now, and this page is titled, Student
23 Transition Form.

24 This first column -- well, the first
25 column says name of district served, and then

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
225

1 the second column says return to home school or
2 district.

3 What does that column represent?

4 A The number of students that
5 transitioned for FY21.

6 Q Okay. And when you say FY21, you're
7 saying that's the 2020 to '21 school year;
8 correct?

9 A Yes.

10 Q Sorry, you paused. Did you hear the
11 question correctly or do you need me to repeat
12 it?

13 A I'm sorry, I said yes.

14 Q Okay. All right. So for the 2020 to
15 2021 school year, this is the number of students
16 who have returned to their home school or home
17 district; is that correct?

18 A Yes. And -- it is, and it looks very,
19 very low to me and I'm thinking that there
20 was -- there was some difference in definitions
21 that we would get. And so, so return to home
22 school district could mean one of two things.

23 One thing it could mean would be that
24 those kids who exited and completely
25 transitioned, all right, no GNETS -- you know,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
226

1 no classes at GNETS, or it could mean that they
2 just went for one class or whatever. So it's
3 interpreted different ways. And we always -- I
4 get confused every year, I have to be honest,
5 so, I mean, I call my, you know -- Cedarwood's
6 GNETS director partner and I'll call them and,
7 you know -- so this year, that was accounted as
8 total returned, returned, not receiving any
9 GNETS classes.

10 Q Okay. And I'm going to show you
11 another page in the grant application that
12 discusses a similar topic but the number is
13 different. You may be able to explain why.

14 A Yeah, that's probably why.

15 Q Okay. So let's look at page 34. On
16 page 8, as we just discussed, it said that seven
17 student returned.

18 On page 34, okay, around here in the
19 middle of the page, there's a question that
20 says, how many students transitioned to a LRE
21 because they've met their IEP goals?

22 How is that different from what we
23 would have been looking at on the other page?

24 A There's 22 transitioning total, maybe
25 for one class, two classes. That is including

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
227

1 everybody that has transitioned. And the one on
2 the front page are those kids that transitioned
3 completely, done. You know, because we start
4 with a very slow transition, you know, one or
5 two classes depending on the need of the kid.

6 Q Okay. Thank you for making that
7 distinction.

8 So based on all that we've discussed
9 related to students being integrated and
10 reintegrated, I guess, what's your perception on
11 how many students are being -- are having the
12 opportunity for reintegration?

13 A For my program?

14 Q For your program specifically.

15 A I really think it's really good, to be
16 quite honest. You know, I'm just considering
17 this school year already, you know, we have five
18 transitioning in Glynn and I have seven already
19 transitioning in -- at my Liberty site and --

20 Q I'm sorry, just to confirm, sorry to
21 cut you off.

22 You're referring to the current school
23 year so that would be fiscal year '23?

24 A Yes, the one we're in, uh-huh.

25 Q Okay.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
228

1 A And just last year, I mean, I think
2 that number was higher for my -- I don't -- I
3 can't remember if I sent you -- no, I don't
4 think I sent -- we had to send last year's
5 information, I -- yeah, FY22 or FY -- yeah, I'm
6 sorry, I've got a lag. I'm always behind.

7 But that was higher as well in
8 transitioning and -- but -- so for Coastal
9 Academy, I think that the number of students
10 that we have transitioning is great and is
11 growing. And, I mean, I actually, you know,
12 used that data for my dissertation, it was part
13 of it, and so it is great and is growing.

14 We do take our time or take the time to
15 make sure we are transitioning slowly enough
16 that students are getting what they need and
17 they actually are meeting those goals and are
18 being successful, you know, in both
19 environments. So I think that's great for us.
20 I think it's working, you know, well.

21 Q Okay. Earlier when we were discussing
22 the length of stay. You had noted that there
23 are some students who have been in the program
24 for, you know, up to, say, seven years.

25 Are there any changes that you would

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
229

1 make to provide those students with more
2 opportunities to be served in general education
3 settings?

4 A Sure. Yeah. There are changes that I
5 would make.

6 Q And what would that look like?

7 A Those students that, you know, have
8 been served with us for whatever -- there's
9 only, you know, a couple, a handful -- that
10 long, you know, it's not that they've not ever
11 been transitioned, they have been.

12 Some of them -- I mean, we started
13 doing a better job of transitioning students, of
14 course, when we started discussing the required
15 supports needed. And once our systems as well
16 -- at least here, put in that other step on the
17 continuum in their districts with that extra
18 class, so that really helped make -- you know,
19 increase the success of transitions.

20 But within Coastal Academy itself, I
21 honestly think that, in my opinion,
22 trauma-informed care has been the key. And when
23 I -- I'm a trauma-informed care fan and
24 personally, I believe PBIS should be under the
25 trauma-informed umbrella and not vice versa

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
230

1 or -- you know, it should be one integrated
2 framework, which I believe the DOE is working
3 on.

4 But I think had we implemented -- our
5 real implementation of trauma-informed care, in
6 my opinion, at Coastal did not start until, I
7 don't know, school year '19, I would say,
8 because -- and once we put that in place and we
9 really provided -- started providing training
10 and awareness and, you know, making our staff --
11 our staff are trauma sensitive, our restraints
12 went down, good things went up, you know?

13 And so, yeah. So these kids that have
14 been here long, you know, they were
15 pre-trauma-informed care and now that we're, you
16 know, trauma-informed care, we are -- we are let
17 me -- just say this, we are facing a longer time
18 period than, you know, not -- you know -- and
19 how would I say this that's not negative because
20 I don't think we've done anything wrong or ever
21 did anything wrong or -- you know, we've
22 provided support.

23 But I feel like that, you know, now
24 that we're providing, you know, it from a
25 trauma-sensitive approach, you know, it is just

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
231

1 completely different. You know, staff are
2 completely different. There's not as many power
3 struggles.

4 And so those kids that have been here
5 longer that experienced the pre, you know,
6 probably -- and that weren't successful or
7 whatever that came back, you know, I feel like
8 we have more work to do, more catch-up on that
9 trauma-informed piece.

10 But our kids that are now coming in,
11 they're making this transition quicker and doing
12 better and we are actually transitioning them
13 quicker.

14 Q Okay. I want to note two other things
15 that are here. It says -- so there's another
16 question that says, how many students
17 participated in extracurricular activities with
18 the LEA, and it says six; is that right?

19 A Yes, ma'am.

20 Q Do you -- do you believe that that
21 number could be higher in terms of the number of
22 students participating in extracurricular
23 activities with LEA?

24 A If the model was different, yes.

25 Q And when you say "if the model's

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
232

1 different," what is the model now related to
2 extracurricular activities?

3 A Well, I mean, you know, if a student is
4 center-based and they meet the code of conduct,
5 which is rare for them to be able to
6 participate, you know, because they -- you know,
7 students have -- are eligible, you know, to try
8 out, participate or whatever, but, you know,
9 they, of course, have to meet that piece of the
10 pie, too, just like everybody else does.

11 So, you know -- but anyway, if they're
12 eligible to participate and they do, it's just a
13 more difficult issue getting them from one place
14 to the other for practice and those types of
15 issues.

16 Now, if we went back to reintegration
17 and integration and reintegration and some of
18 these things were thought about on the front end
19 of how we could best serve these students, I
20 would change that model and -- you know, of how
21 we serve students and maybe, you know, took a --
22 we could take a different look at, you know, do
23 they really need all GNETS classes or, you know,
24 what -- you know, come on guys, you know, that
25 kind of thing.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
233

1 And, again, there are kids that are,
2 you know, all day very significant, you know,
3 type, but there are, you know, those kids here
4 and there that do well. And, you know, if he's
5 a football player and he does well in
6 weightlifting and, you know, I think we should
7 look at that model and determine how best to
8 serve him and maybe something else would be more
9 appropriate that would provide him better access
10 to be able to get to those things and access
11 them.

12 Q So do you feel restricted now in being
13 able to provide students access to
14 extracurricular activities in the GNETS setting?

15 A I don't know that I feel restricted
16 because I can always say -- and I've done this,
17 you know, we've done this -- we've picked the
18 phone up and we've said, hey, all right, such
19 and such is interested in playing, whatever,
20 football and, you know, can you provide me with
21 the tryout information, all of this, you know,
22 other kind of information, this stuff and we --
23 and we get it and we get that information and we
24 get that ball rolling.

25 But if -- you know, I guess to -- I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
234

1 mean, if transportation is an issue, it's an
2 issue, you know, although, you know, our systems
3 technically are required to provide
4 transportation for practice, after school
5 practice, but we have not had any of our
6 students that have requested -- and that's the
7 problem, they haven't requested to participate,
8 actually require that as of yet. So, no, I
9 don't feel restricted at all.

10 I feel like we -- my systems would make
11 it happen. I guess I feel like it's not always
12 on the forefront of maybe the parent, the
13 student's mind that I can actually participate
14 or even, you know, the settings, you know,
15 thinking, you know. Sometimes I feel like when
16 they come over to us, it's often, you know, oh,
17 they don't have football -- they don't have a
18 football team, you know, it's kind of an our kid
19 versus their kid.

20 And, again, that's why I like the
21 integration and reintegration piece. So it was
22 on the forefront and those things were
23 discussed.

24 Q And then the last question here. It
25 says, how many students participated in two or

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
235

1 more segments with the LEA.

2 What did your program report in
3 response to this question?

4 A So there were nine students. So of the
5 22 there that were transitioning, nine of those
6 participated in two or more segments. That
7 means they had two classes -- two or more
8 classes in the LEA setting.

9 And, of course, if you go back to that
10 seven, you know, seven of those 22 were
11 full-time so, you know, there's, you know --
12 does that make sense?

13 Q I think so. So the total pool of
14 students you're looking is the 22 who
15 transitioned, and of those 22, nine participated
16 in two or more segments?

17 A Uh-huh. And of those 22, seven
18 completely transitioned out, no classes.

19 Q What about the remaining students in
20 that 22?

21 A Then they're -- they are less than two
22 segments.

23 Q Okay. I'm going to stop sharing my
24 screen.

25 And, Ms. Futch, how are you doing? Do

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
236

1 you need a break?

2 A No, I'm good.

3 MR. NGUYEN: I was just going to
4 say we've been going for about an hour
5 and-a-half, since lunch, a little over
6 an hour and-a-half so, whenever is a
7 good time for a break, but it doesn't
8 have to be now, so, you know.

9 MS. JOHNSON: Yeah, if we could
10 take a five or ten-minute break, that
11 would be great. But like he said, if
12 this isn't the right time, you know,
13 somewhat soon.

14 MS. HAMILTON: Okay. I'm
15 transitioning between topics so this
16 seems like a good time, but why don't
17 we just do a five-minute break?

18 MS. JOHNSON: Okay.

19 MR. NGUYEN: That's great with me.
20 Thank you.

21 THE VIDEOGRAPHER: Okay. We'll go
22 off the record now at 2:35 p.m.

23 (Whereupon, an off-the-record
24 discussion was held.)

25 THE VIDEOGRAPHER: Back on the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
237

1 record at 2:41 p.m. Please proceed.

2 BY MS. HAMILTON:

3 Q Ms. Futch, I want to talk now about
4 just how the GNETS program is funded.

5 What are the various sources from which
6 your program receives funding?

7 A I receive -- GNETS, Coastal Academy
8 receives funding in the form of a state GNETS
9 grant and then we receive IDA, I believe it's
10 60, I don't know, but it's federal IDA money
11 based on our total student population.

12 And then we do receive in-kind services
13 from our systems and we've been receiving much
14 more of that and they pay for various staff
15 members that are needed, you know. A lot has
16 changed with -- but various staff members, para
17 pros, RBTs. Saturday school, I started that in
18 Liberty -- at my Liberty site because, you know,
19 I don't like suspending -- in suspension where
20 kids would be with me, and I feel like my kids
21 need reteaching so we have a little Saturday
22 school. They pay for staff to come and, you
23 know, do that.

24 So, of course, transportation is
25 provided by the systems. For us, curriculum

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
238

1 material, reading material, math curriculum, you
2 know, things like that I need just -- that's --
3 yeah. I'm trying to think. But that's pretty
4 much it.

5 I mean, if I ask for it and I like I
6 desperately need it, my assistants typically get
7 it -- give it to me. But also building and
8 facilities. Like I don't -- Coastal Academy
9 does not pay any rent, electronic bills, or
10 anything like that.

11 Q And that's -- and the reason you don't
12 pay rent for the facilities is because that is
13 provided by the LEA's, is that what you're
14 saying?

15 A Yes. Yes.

16 Q So just to recap, it sounds like you
17 are able to get funding from the state grant,
18 you're getting federal funding, and you're also
19 getting in-kind funding from the school
20 district; is that correct?

21 A Yes. You know, like I said, not always
22 in dollars but in staff, you know, whatever,
23 those type of things, uh-huh.

24 Q Are there any other sources of funding
25 that you haven't listed?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
239

1 A No, ma'am.

2 Q Okay. So I want to focus on the state
3 funding for now.

4 What is the process that you follow in
5 order to receive the GNETS state grant funds?

6 A The process that we follow to do that
7 is making sure that our students are all
8 captured by each LEA served, their student
9 record, and that's in June. That's filed
10 sometime in June, usually, each year.

11 Q Do you complete an application?

12 A Oh, sorry, yes. If you want all that,
13 yes, I do. We submit an annual grant
14 application every year.

15 Q And who do you submit that to?

16 A It's -- if I submit it up in -- you
17 know, we put it -- well, actually, we complete
18 it in the DOE portal, the DOE portal, but Vickie
19 and Lakesha, they review that.

20 Q When the application is approved by the
21 state DOE, are there specific purposes for which
22 you can use the funds?

23 A Well, we have to follow the state and
24 federal guidelines. So, yes, absolutely, you
25 know, there are specific, you know, things that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
240

1 we use the funds for. And, again, we have to
2 follow the stated guidelines that everyone else
3 does with -- in that regard.

4 Q What are some of the expenses that are
5 covered by the GNETS state grant?

6 A Staff, you know, salaries, benefits.
7 Actually 90 -- 95 percent, probably, of my state
8 grant is used for that. Attorney fees must come
9 out of there. Indirect costs comes out of there
10 to our fiscal agent. It's like 1 percent of our
11 total budgeted allocation or whatever.

12 Supplies, you know, that are needed for
13 students, instructional supplies. You know,
14 pretty much what we need as long as there's an
15 instructional -- I mean, those, I will say that
16 our state regs are -- I mean, of course, we
17 can't buy incentives and things like that out of
18 our state dollars for students or buy them, you
19 know, clothes or, you know, whatever things,
20 Christmas presents or stuff like that for -- you
21 know, but pretty much anything we need
22 instructional wise or support wise, we can do.

23 But, again, that's all -- there's an
24 approval process that goes into our budget, and
25 now it's actually signed off on by the DOE to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
241

1 approve even before my fiscal agent does, so it
2 goes there, so.

3 Now, federal, it's a little more -- the
4 federal regs are a little stricter on what we
5 can and can't use money for, but we follow those
6 federal regs that all our local school systems
7 have to follow with IDA money. And -- but,
8 again, it's, you know, in addition to, you know,
9 support, you know, what's needed.

10 And, of course, then we answer those --
11 well, not answer, but, you know, especially if
12 it's interventions and things that we're buying,
13 we have to make sure that we appropriately
14 categorize them, you know, rate them under
15 evidence-based or, you know, those types of
16 things.

17 Q I want to show you a document, and I
18 would like for the court reporter to mark this
19 is Plaintiff's Exhibit 552.

20 (Whereupon, Plaintiff's Exhibit
21 Number 552 was marked for
22 identification.)

23 BY MS. HAMILTON:

24 Q Ms. Futch, I'm currently showing you
25 Plaintiff's Exhibit 152.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
242

1 A Yes.

2 Q This a March 2018 e-mail chain between
3 you, Vickie Cleveland, and Amber McCollum and
4 some other individuals. The Bates stamp number
5 on this document is GA000829 --

6 A Uh-huh.

7 Q -- 98.

8 A Uh-huh.

9 Q Let me make sure -- let me give you
10 control just to take a moment to scroll through,
11 and then let me know when you're ready.

12 A Yes, I'm ready.

13 Q Okay. Do you recognize this document?

14 A I do.

15 Q Okay. So I want to start at the
16 beginning of the e-mail chain. This was the
17 e-mail dated March 13th, 2018 that you sent to
18 Amber McCollum and Eric Moody.

19 Do you see that?

20 A I do, uh-huh.

21 Q Who is Amber McCollum?

22 A At that time, I believe she was like
23 one of the program specialists or program
24 manager. Like, she was our budget -- you know,
25 everybody is assigned a district -- a budget

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
243

1 person. She was our budget -- GNETS budget
2 person.

3 Q Okay. And who is Eric Moody?

4 A He is the CFO at First District RESA.

5 Q What was the issue that you were
6 bringing to their attention?

7 A Well, I -- again, somata sensory input
8 here. I am starting or beginning the
9 implementation of my trauma-informed care. I
10 had done a little bit of research in this and
11 aromatherapy and things of such and combining
12 other whatever.

13 I wanted to spend some grant money to
14 provide this at -- for all students at -- like a
15 diffuser in each classroom with the oils, right?
16 And so I wanted at first to use federal money
17 because, you know, my understanding, it is a,
18 you know -- I have the research and I did, later
19 on, send additional research that -- where it's
20 based off of and it -- you know, for
21 intervention purposes and the impact it has on
22 mood and, you know, brain and regulation and
23 things like that.

24 So I asked if I could use federal money
25 instead of state, and Amber said, no, that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
244

1 needed to be in IEP. And I was like, oh, Amber,
2 please. No, I didn't say that but, you know,
3 everything that we buy in federal dollars is not
4 always in the IEP, you know, but that's okay. I
5 went back because, you know -- and, I mean, I
6 had the state money so I just took it out of
7 state.

8 Q And it looks like you also -- Vickie
9 Cleveland was also added to the e-mail chain at
10 some point.

11 What was her position on whether
12 federal funding could be used?

13 A Well, I had discussed it with her
14 first.

15 Q Okay.

16 A Yeah, and she recommended, you know --
17 well, I discussed it with Eric Moody first,
18 who's my CFO, and he was like, talk to Vickie,
19 talk to your DOE. I talked to my person,
20 Vickie, and Vickie said, you know what? I think
21 so but I'm not sure, let's talk to Amber. And
22 so that's why I cc'd her, just make her, you
23 know, knowledgeable that I had done that.

24 Q Okay. So their position, ultimately,
25 was that federal funding couldn't be used to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
245

1 cover those expenses --

2 A Yes.

3 Q -- is that correct?

4 Okay. And state funding was
5 appropriate for those expenses?

6 A Yes, uh-huh.

7 Q Okay. And what is your sense regarding
8 the distinction between when you can use federal
9 funding versus state -- GNETS state grant
10 funding --

11 A I'm going to be honest with you, they
12 go back and forth. And so my sense, I mean, I'm
13 like, um, so -- but my sense -- I can tell you
14 this, it is easier to buy with state money than
15 federal, just, I mean, -- and I know that
16 everything, there has to be, I mean, justified,
17 of course, and research-based, and I've never
18 asked for anything that wasn't.

19 But, you know, as far as federal cost,
20 again, federal regs and the DOE, they're a
21 little more, they're -- you know, they're more
22 strict, more rigid with federal dollars.

23 Q Okay. I'm going to show you another
24 document.

25 I'd like for the court reporter to mark

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
246

1 this document as Plaintiff's Exhibit 553.

2 (Whereupon, Plaintiff's Exhibit
3 Number 553 was marked for
4 identification.)

5 BY MS. HAMILTON:

6 Q Ms. Futch, I'm showing you Plaintiff's
7 Exhibit 553. This is a January 20th, 2022
8 e-mail request from you to Vickie Cleveland with
9 the subject line, project based learning.

10 A Uh-huh.

11 Q And I also note that there is an
12 attachment to this document. The Bates stamp
13 number is GA00357358.

14 If you want to take a moment to look at
15 it, feel free.

16 A Yeah, I know what it's -- yeah.

17 Q Okay. Do you recognize this document?

18 A I do.

19 Q Okay. On January 20th, 2020, you
20 e-mailed Vickie Cleveland to inquire whether you
21 could use state funds for project-based learning
22 activity; is that correct?

23 A Yes.

24 Q What was the activity?

25 A It was -- I believe that my -- this was

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
247

1 my teacher that was in my autism room, so it was
2 project-based learning. And, again, to make
3 sure -- it was a gardening project with
4 students, so -- and growing, things like that.

5 Q Okay. Why did you believe that this
6 purchase should be covered by state funds?

7 A Well, I mean, actually, I was a hundred
8 -- almost -- well, 90 percent sure it should be
9 state funds and I had called prior to writing
10 this e-mail, Eric Moody, and said Eric,
11 heads-up, this is what I called for. I called
12 to let him know I'm buying this, you know, or
13 going to submit this and I don't want you to
14 think this is what this is for because, you
15 know, I'm asking for seeds and things like that.

16 And he said, oh, yeah, state is -- it
17 probably can come from state, but reach out to
18 Vickie Cleveland and make sure or reach out --
19 he calls her my DOE person to make sure and I
20 said, okay. So my RESA e-mail for things
21 documented it, so I did.

22 And the reason I thought it should be
23 state is after the last thing, I was pretty sure
24 it wasn't going to be federal. And -- and
25 anyway, so that's the e-mail and, yeah, it was

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
248

1 state.

2 Q Okay. And so I don't have the response
3 that you received from Ms. Cleveland, but are
4 you confirming that she did say this --

5 A Yeah, she didn't respond to me in an
6 e-mail, she called me and she told me state was
7 fine.

8 Q Okay. Did Amber McCollum need to be on
9 this e-mail chain?

10 A You know, I don't know. You know, she
11 was on the first one just because Vickie told me
12 to e-mail her, you know, and -- but this was --
13 you know, and I -- see, I'd called Vickie on
14 that first one prior to e-mailing her so this, I
15 just shot Vickie an e-mail, I mean, you know,
16 like my first step, so...

17 Q Okay. But it's not a formal protocol
18 where you have to copy --

19 A No, there is no formal protocol for any
20 -- no, none. This is just me, you know, doing
21 what RESA told me, but also, I mean, you know,
22 trying to make sure I do the right thing, you
23 know?

24 Q Okay. I'm going to next show you
25 another document.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
249

1 And I would like for the court reporter
2 to mark this as Plaintiff's Exhibit 554.

3 (Whereupon, Plaintiff's Exhibit
4 Number 554 was marked for
5 identification.)

6 BY MS. HAMILTON:

7 Q Ms. Futch, I'm now showing you
8 Plaintiff's Exhibit 554, and this is an e-mail
9 dated March 30th, 2018 that you sent to Zelphine
10 Dixon and Nakeba Rame with the subject, RE:
11 Multi-Tiered System of Support MTSS, opportunity
12 to apply for participation.

13 A Uh-huh.

14 Q And the first page is Bates stamped
15 GA00083733.

16 If you need a moment to scroll through
17 document, you may do that now.

18 A Yes, I'm aware.

19 Q Okay.

20 A That's mine.

21 Q All right. What is the multi-tiered
22 system of support state personnel development
23 grant?

24 A That was -- I mean, as far as I know,
25 that's the only time it -- you know, or at least

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
250

1 it was sent to me, okay. They messed up because
2 they e-mailed it to me. I mean, I got it in
3 some kind of group, whatever, oh, wait a minute,
4 it's money. So I've never gotten anything else
5 since then. And so, as much as I know, it's
6 right there, you know, I've not heard anything
7 else about it.

8 Q In your e-mail to Zelfhine and Nakeba,
9 you asked whether you can apply for the grant.

10 Who were the intended recipients of the
11 grant?

12 A GNETS staff.

13 Q Okay.

14 A Well, you know, I mean, it looked to me
15 like, you know, it was for, you know, state
16 personnel development. So let's get some GNETS
17 staff in there, get them trained, you know, on
18 Tier 2, you know, tier -- because I was -- you
19 know, again MTSS is at the GNETS level, but we
20 should differentiate our levels of intervention
21 as well.

22 So, you know, I -- it would help me
23 greatly to -- you know, to get some of that or,
24 you know, to allow someone else to come down and
25 do the training because right now I was doing it

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
251

1 all. I just trying to teach them the difference
2 and a two -- Level Tier 2 support versus 3.
3 Make sense?

4 Q And in your first sentence here, you
5 say, I know this is designed for school systems
6 and it should be implemented before special
7 education begins.

8 A Right.

9 Q What were you referencing there?

10 A MTSS is a general ed function. It
11 should be. It's there -- again, it's to be
12 implemented to close gaps or to address, you
13 know, behavioral, social emotional issues, you
14 know, provide supports to prevent them from
15 getting to special ed, you know?

16 Q Were you reaching out Zelfphine and
17 Nakeba, then, because you felt that that funding
18 also should be available in -- for GNETS staff?

19 A Yes, yes. I did, yeah.

20 Q What were their responses?

21 A The -- so there was an e-mail followup,
22 but I believe -- I can't recall -- but the
23 answer was no, and I think that it was something
24 along the lines that, you know, basically, you
25 know, it is designed for school systems, I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
252

1 believe, not -- program or something like that.
2 I just -- I can't remember the entire details,
3 but -- and I was to reach out to my assistants
4 to -- anyway, to see if I could -- if they
5 apply, we could participate with them. But,
6 again, I can't recall the complete subject of
7 the e-mail.

8 Q I'm going to show you another document.
9 I'd like for the court reporter to mark
10 this document as Plaintiff's Exhibit 555.

11 (Whereupon, Plaintiff's Exhibit
12 Number 555 was marked for
13 identification.)

14 BY MS. HAMILTON:

15 Q And, Ms. Futch, I'm now showing you
16 Plaintiff's Exhibit 555. This is an e-mail
17 dated February 26th, 2020 from you to Vickie
18 Cleveland with the subject line, therapeutic
19 services grant. The Bates number for this
20 document is GA00097408.

21 Do you recognize this document?

22 A Yes.

23 Q Okay. What is the therapeutic services
24 grant?

25 A It's additional -- okay. So that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
253

1 should have been mentioned before when you asked
2 me about funding.

3 There is an additional therapeutic
4 services grant that some of us get, but we had
5 to ask -- you know, basically just send an
6 e-mail to ask if -- I don't know where the money
7 came from -- but anyway, it's a pot of money
8 that they have.

9 And so it's to provide additional
10 therapeutic services to our students. Okay? So
11 it can only be used for that, you know? It's
12 very specific as to what it can be used for and
13 then we have to submit logs every month, you
14 know, for that.

15 So I used it to fund LPC's for students
16 to get intensive counseling.

17 Q Okay. And who funds the therapeutic
18 services grant?

19 A It comes from the DOE. I'm not sure
20 how it's funded. It may be state money, I'm not
21 sure, it may be -- I don't know.

22 Q Okay. You mentioned here that your,
23 quote, therapeutic services providers would no
24 longer be getting the grant that they have been
25 receiving to offset CAG METS costs to provide

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
254

1 therapeutic services to our students.

2 Who are the therapeutic services
3 providers at issue?

4 A All right, so at this point in time, I
5 was using a service, counseling serviced called
6 Cord of Three and they actually wrote a grant to
7 help provide those services for our students
8 because of the GNETS programs -- I can't
9 remember how many of us were getting this money
10 -- I received the lowest amount.

11 And, again, I don't know what it was
12 based off of, how they decided who got what, I
13 have no idea, this is just what I got. Maybe
14 that's all that was left, and -- but that's all
15 I continued to get. It never increased or
16 whatever else.

17 So here I am asking saying, hey, these
18 services are important, I need them for my kids,
19 and I'm even offering -- you know, because here
20 I'm just saying, hey, is there an actual
21 application process?

22 I don't mind competing for it. I'll do
23 a grant, you know, to see if I can get more
24 money.

25 Q And so I guess here you're saying --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
255

1 well, I guess my question for you then is: Why
2 were they no longer receiving the grant that
3 would offset the costs?

4 A Are you talking about Cord of Three?

5 Q Yes.

6 A That was a product grant. I'm not
7 sure. I mean, that company -- like the owner of
8 that company used to be a GNETS counselor a
9 while back. So GNETS, those students were, you
10 know, kind of at his heart. So he couldn't do
11 it for 47,5 because we were getting a lot of
12 services, so they wrote this other grant but
13 that grant ended.

14 Does that make sense.

15 Q Okay. So just to recap, for the
16 therapeutic services grant, that is in the
17 amount \$47,500 --

18 A Yes.

19 Q -- is that correct?

20 A Uh-huh.

21 Q And the services of Cord of Three were
22 higher than that amount --

23 A Yes.

24 Q -- is that correct?

25 A Yes, always higher, but they had that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
256

1 grant for a few years that were getting them
2 through.

3 Q Okay. And so because they were no
4 longer receiving the grant that would offset the
5 cost, you were reaching out to Ms. Cleveland?

6 A Yes, because, I mean, that would mean
7 that, you know, I could no longer then afford to
8 have them. They couldn't -- I mean, he had to
9 pay staff, you know?

10 Q Okay. So what was your specific
11 request of Ms. Cleveland in connection with the
12 therapeutic service provider?

13 A To increase the amount of money to
14 70,000 that I received, that GNETS Coastal
15 Academy receives versus the 47,5.

16 Q Okay. And what ultimately happened?
17 Did you receive what you had requested?

18 A No, I did not.

19 Q Is there a mechanism by which the state
20 can increase the amount that they're providing?

21 A I don't know.

22 Q And so I guess, what did Ms. Cleveland
23 say in response to your request?

24 A I think she gave me a call. I can't --
25 I don't remember if she called or e-mailed, but

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
257

1 I believe she called me, and basically she said
2 that, you know -- that, you know, that she would
3 try but she couldn't guarantee anything, and,
4 because, again, all of this is approved by the
5 State Board of Ed.

6 But the amounts that are provided to
7 each, you know, GNETS program are given to the
8 State Board of Ed from somebody, not the State
9 Board of Ed, so I don't know. But that's all
10 she'd say because, you know, I guess money at
11 that particular -- I think they were cutting the
12 budget or whatever during that time or, I don't
13 know, maybe even governor proposed something.
14 So I can't recall, but that she would certainly
15 take my request in consideration.

16 Q Okay. However, you ultimately did not
17 receive that money; is that correct? The
18 additional money; is that correct?

19 A That is true, I did not receive it.

20 Q I'm going to stop sharing that document
21 and I want to switch gears to ask you some
22 questions about staffing in your GNETS program.

23 A Excuse me, I'm sorry, do you guys hear
24 the buzzing? No, you don't hear the buzzing?
25 Okay. Okay, just making sure. Go ahead.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
258

1 (Whereupon, an off the record
2 discussion was held.)

3 BY MS. HAMILTON:

4 Q All right. So my next question for you
5 is: Who determines the staffing needs in your
6 GNETS program?

7 A Well, staffing needs, I suppose that
8 would be me and, you know, my program
9 coordinators. We determine the staffing needs
10 but, you know, needs and requirements are what
11 we must have are -- you know, well, let's just
12 say -- I guess we can define needs and
13 requirements the same.

14 Wants to make things better are
15 different, so yeah, that would be us. That
16 would be me and my program coordinators, we do
17 that each year.

18 Q And are there baseline staffing
19 requirements for who you'd to have at your GNETS
20 program?

21 A No, they're not -- you know, there are,
22 you know, I believe that there may possible --
23 there's recommendations and when we're funded --
24 at one point -- and we stopped getting these --
25 we used to get allotment sheets, like our LEA's

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
259

1 which said, okay, you know, you're supposed to
2 use this -- you know, you're funded this much
3 for school psych, you know, this much -- and I
4 do have a PowerPoint presentation with that in
5 there of how much we're funded for whatever, and
6 I've often referred back to it, but, of course,
7 it's not their salary or -- you know.

8 So there are recommendations of what we
9 should have, but I've never seen anything or --
10 that says that we are required to have. There
11 is a recommended class size that used to be
12 somewhere, I saw it, but I can't find that
13 anymore but --

14 Q And who sets those -- who provides
15 those recommendations?

16 A To be honest, I'm not really sure if it
17 was the GNETS directors, because at one point in
18 time, we actually had an operations manual that
19 had some recommendations in there. And, again,
20 that was -- that had been developed prior to me
21 becoming GNETS director, so I'm not sure if that
22 was -- I feel like, though -- I think it was --
23 well, I'm not 100 percent sure, but I feel like
24 it was developed with GNETS directors and
25 whoever the DOE people were at that time

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
260

1 whenever it was done. But that is no longer in
2 place.

3 Q Okay. And there are no other sources,
4 written sources that have recommendations for --
5 related to staffing?

6 A No. We have the GNETS state board
7 rules and, you know, like in special ed, you
8 know, with other -- you know, when I was special
9 ed director, we had recommended class sizes for
10 different eligibilities and such it was -- you
11 know, was more -- but not to my knowledge, I've
12 not seen any. And if there is one, it sure
13 would make it easier for me. I would love to
14 have a copy of that.

15 Q And I just want to confirm, when we
16 were talking earlier about the funding sources,
17 it's possible for staff to be funded from
18 different sources; is that correct?

19 A Yes, it's -- yeah, absolutely. Our
20 LEAs, like I said, they may fund the para and
21 they let me hire and they pay for it, you know,
22 that kind of thing. But yes, uh-huh.

23 Q All right. So I want to do is actually
24 return back to -- I'm going to share my screen.
25 Give me one moment.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
261

1 And I am showing the document that was
2 previously exhibit -- previously marked as
3 Plaintiff's Exhibit 551.

4 A Uh-huh.

5 Q Which is the fiscal year '22 grant
6 application.

7 A Uh-huh.

8 Q The GNETS program that we were
9 discussing earlier.

10 I want you to turn to page 28 of this
11 document.

12 A Okay.

13 Q Okay. And it's titled, Service
14 Delivery Personnel List.

15 Do you recognize this?

16 A I do.

17 Q Did you help create this?

18 A Yes, uh-huh.

19 Q Okay. All right.

20 A I did create it.

21 Q Okay. So I want to walk through the
22 positions that you've listed here in your fiscal
23 year 2022 application.

24 And I guess just to confirm, I know
25 there was something to the grant application

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
262

1 that you said used data from the 20 -- from 2020
2 to '21 school year, but I think you said that
3 staffing was different?

4 A Yeah. Staffing is current as of the
5 time I completed this. So that would have been
6 May or something of that year.

7 Q Okay. May of?

8 A '21.

9 Q Of the --

10 A This is FY22, right?

11 Q Uh-huh, yes.

12 A Yeah. So this would have due May 30th
13 or June 15th, I can't remember. So that would
14 have been as of that -- that particular May. So
15 that would have been May '21.

16 Q Okay. Great. Thank you for clarifying
17 that.

18 A Uh-huh.

19 Q All right. So looking at this document
20 -- I'm going to be scrolling up and down.

21 A Okay.

22 Q So it looks like here you had a
23 director of GNETS program.

24 Is that your position?

25 A It is.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
263

1 Q And is there just one director?

2 A Yes.

3 Q Okay. And it looks like it says here
4 that the director position is funded by the
5 GNETS state grant; is that correct?

6 A Yes.

7 Q Currently, you still just have one
8 GNETS director for your program; is that
9 correct?

10 A No, not as of now. Currently, we now
11 have -- we divided it up, so I have -- we have
12 hired one of my coordinators of the Camden site,
13 he is considered a co-director and he is running
14 my -- the Glynn site.

15 Q Okay. What is his name?

16 A Jody Carter.

17 Q Jody Carter. And so technically the
18 two of you are co-directors of the Coastal
19 Academy GNETS program?

20 A Yeah, but I still do all of the
21 administrative, you know, stuff.

22 Q Okay.

23 A Yeah.

24 Q Thank you for clarifying that. And
25 then --

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
264

1 A It's a little bit easier and I can
2 focus on services, but still administratively, I
3 have the bigger --

4 Q Okay.

5 A Yeah.

6 Q Now, and this -- the current school
7 year, are those two positions still funded by
8 the GNETS state grant?

9 A They are.

10 Q Okay. All right. I want to look now
11 at the GNETS coordinator position, and I believe
12 there was one -- it looks like there was one
13 person that was listed in the -- I guess in -- I
14 apologize, try and get the dates right -- as of
15 May 2021.

16 A No, there should have been three. So
17 -- listed. So there's Jennifer --

18 Q -- grant?

19 A Okay. Stephanie Horton. Oh, okay, so
20 -- okay. All right. So let me tell you what
21 you're seeing.

22 This -- the column here, the second one
23 is -- they're CPI, how they're recorded for CPI
24 purposes to the state. Okay?

25 Q Okay.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
265

1 A And Stephanie is reported with GNETS
2 special education specialist code, but she's in
3 the -- but she is the coordinator. And that's
4 basically a difference in, you know, for the
5 type of certificate they have, you know, so --
6 and then there's Jody Carter.

7 Q Uh-huh.

8 A You know what, go back down. Go -- go
9 back up to Jennifer Branch, please. Let me see
10 what's happened here.

11 Q Yeah. Her position was listed as
12 supervisor coordinator and theirs was special
13 education specialist --

14 A I'm not sure why that is, I really
15 don't, but that -- you know, that is a -- a CPI
16 coding thing that is done with RESA, so I -- I'm
17 not sure why.

18 Q Okay. So I guess let me ask you, then,
19 as of May 2021, how many coordinators did you
20 have?

21 A Three.

22 Q Three. And just to confirm, those
23 individuals were Jennifer Branch, Stephanie
24 Horton, and Jody Carter; is that correct?

25 A That is true, yes.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
266

1 Q Okay. Based on your information in the
2 application, all three of them -- and I'm just
3 going to scroll through -- it lists the source
4 of their funding for their position as the GNETS
5 state grant.

6 A Yes.

7 Q There's Jennifer. There's Stephanie --

8 A Uh-huh.

9 Q -- at the bottom and here's Jody; is
10 that accurate?

11 A That is accurate, uh-huh.

12 Q Okay. For the current school year, how
13 many coordinators do you have?

14 A Two.

15 Q Okay. And who are those individuals?

16 A Stephanie Horton and John Hagan.

17 Q And is the source of funding for the
18 coordinator positions this year still the GNETS
19 state grant?

20 A It is.

21 Q Okay. So while we're looking at this,
22 because it has Jody Carter and Stephanie Horton
23 as GNETS special education specialists, I do
24 just want to clarify, it looks like there's
25 another person listed here as a special

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
267

1 education specialist, Steven Derr.

2 A Uh-huh.

3 Q Is that accurate or did he have a
4 different position as well?

5 A No, that's accurate. He actually is a
6 -- he is -- well, we call him a GNETS program
7 specialist, but -- special education specialist
8 -- for CPI. That is correct, he is a retired
9 GNETS director and he is with me part-time.

10 Q Okay.

11 A And he actually works directly under me
12 and assists in, you know, managing. I mean,
13 it's difficult to be -- especially during COVID
14 -- it was difficult to be in more than one place
15 because mental health was -- so he helped me a
16 lot with that.

17 Q Okay.

18 A And he is still with me.

19 Q Okay. And it looks like his position
20 was funded by the GNETS state grant?

21 A Yes.

22 Q And were you just saying a moment ago
23 that he's still with you in this position?

24 A Yes.

25 Q And is his position still funded by the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
268

1 GNETS state grant?

2 A Yes.

3 Q All right. And basically going through
4 this document, I'm going to jump between what
5 was the status in May 2021 versus the current
6 status.

7 A Okay.

8 Q So scrolling back up -- and let me make
9 sure you have control in case you want to double
10 check anything -- so it appears that in May of
11 2021, you had one GNETS school psychologist
12 position --

13 A Uh-huh.

14 Q -- as a contract staffer; is that
15 correct?

16 A Yes, she was -- you know, she was not
17 currently -- so, again, this is -- as of that
18 time, she had applied and we had checked her
19 references and were going to do a contract with
20 her for the upcoming school year, and this for
21 the upcoming school year. Make sense?

22 Q Yes. So for the 2021 to '22 school
23 year?

24 A Yes. Yeah, so if I -- I mean, you
25 know, like, she had not been officially approved

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
269

1 by the Board of Control, but I knew I was going
2 to have her --

3 Q Okay.

4 A -- in May. Make sense?

5 Q Yeah. But you didn't have her during
6 the 2020 to '21 school year?

7 A No, I had her for the '21-'22.

8 Q Okay.

9 A And she's actually a licensed clinical
10 psychologist but school psychologist was the
11 closest thing we had for CPI.

12 Q And is it correct that her -- the
13 funding source for her position was federally
14 funded?

15 A Yes. And let me tell you -- so this is
16 another one -- because these were new funds so
17 let just go back and add -- I apologize, but
18 this some of that American -- the rescue money,
19 the ESSER money.

20 So this was a little pot of money that
21 each GNETS program got to fund additional, you
22 know, therapeutic services staff or -- yes, so
23 she was funded, and this was just last year that
24 we got that so -- and this year, and so she was
25 funded out of that.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
270

1 Q Okay. Do you still have a school
2 psychologist on staff?

3 A Just me.

4 Q Okay.

5 A Not an official one. No one with that
6 title.

7 Like I said, most of my districts --
8 well, all of my districts, their school
9 psychologists come over, that's some of those
10 in-kind services and they evaluate all of their
11 students and so I do not.

12 But if there is an issue, a question,
13 we need one, I will contract with usually --
14 well, there's a couple people that I'll contract
15 with here and there to do a psychological
16 evaluation, if have to be.

17 Q All right. It also looks like you had
18 counselors, and just scrolling through, I see
19 one here listed as federally funded and I see a
20 second one a little further down, Tamara Bogan
21 listed as being funded by the GNETS state grant.

22 A Uh-huh.

23 Q Does that sound accurate, that you had
24 two when you submitted this?

25 A When I submitted that, I was in the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
271

1 process of hiring -- like Tamara Bogan,
2 absolutely, that's correct.

3 I was in the process of hiring two
4 LAPCs, because as I told you earlier, that I can
5 supervise them for hours and I can get them
6 cheaper by doing that. Does that make sense?
7 By hiring, you know, students that are needing
8 hours and working directly under me, and they
9 were going to be part-time. However, one --
10 they both fell through during the summer, so
11 decided not to do it.

12 Q Okay.

13 A So --

14 Q Yeah. I guess so going into the
15 '21-'22 school year, did you have any
16 counselors?

17 A I did. I had Tamara Bogan and my
18 licensed clinical psychologist, that's what she
19 -- that's what she does, yes.

20 Q And then for the current school year,
21 do you have a counselor?

22 A I do. I -- Tamara Bogan, I actually
23 took her and gave her additional money, so she's
24 getting -- that 47,5 which I still get for this
25 therapeutic services grant.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
272

1 She's getting that. She served at
2 Glynn County site, and then I gave her ESSER
3 money, that pot of money which, you know, I
4 don't know, 65,000 to serve Liberty, that
5 Liberty -- the Liberty site is so much bigger
6 than Glynn, you know, 30 kids versus 80 or so
7 and different system, so she's with us five days
8 a week under her contract.

9 Q All right. So also in the document, it
10 appeared that you had listed three behavior
11 interventionists. And I'm going to give you
12 control just so that you scroll through to
13 confirm unless you already know off the top of
14 your head that that was what you put in your
15 application.

16 A Have I got control?

17 Q Yes, you should.

18 A I believe one was Andrew Bogan. Let me
19 just check. Okay. It should have Andrew Bogan,
20 yes, and then McCray Hutchison and is it Tamara
21 -- is Tamara in here or do I have her listed?
22 No. Okay. Hold on. Where's the other one?

23 Q And I think if you keep scrolling down,
24 I believe there's one more listed.

25 A Oh. Dr. Laurie Spencer. She's my

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
273

1 BCBA, yeah.

2 Q Okay. And were all of those
3 individuals, their positions are funded through
4 federal funding?

5 A Yes. Well, let me check Laurie's.
6 Hold on.

7 No, hers is funded through IDA,
8 federal.

9 Q Okay. So --

10 A Well, yeah, that's right. That's what
11 you asked, yes, they're all funded through
12 federal. Sorry.

13 Q Okay. Great. Great.

14 Do you still have those three behavior
15 interventionists on staff?

16 A I have two of them, two of the three.

17 Q Okay. Which two?

18 A Laurie Spencer and Andrew Bogan.

19 Q Okay. And are those positions still
20 funded through the federal IDA funds?

21 A Yes.

22 Q Okay. It also appears that you had a
23 social work technician on staff named Cameron
24 Cassie at that time --

25 A Yes.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
274

1 Q -- is that correct?

2 A Uh-huh, yes.

3 Q And her position was funded by the
4 federal IDA funds as well?

5 A Yes.

6 Q Do you still have a GNETS social work
7 technician on staff?

8 A I do, uh-huh. Not Tamara --

9 Q Is it --

10 A -- anymore, but I have one.

11 Q Okay. Is that person's position still
12 funded by federal IDA funds?

13 A Yes, it is.

14 Q Okay. And then just two other things I
15 want to ask you about your GNETS teachers.

16 It appears that there was seven
17 teachers that you had, but I want to give you a
18 moment to scroll through to confirm how many
19 teachers you had when you submitted your
20 application.

21 A I'm sorry.

22 Q No worries.

23 A Can I actually -- because I can't use
24 my cursor, can I? Oh, yeah, I can. Okay. All
25 right. It's easier.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
275

1 Okay. So that was -- the beginning of
2 the school year it was -- staffing was just, oh,
3 God, it was a horrible year. I'm trying to find
4 them. Okay. Starting here.

5 All right. You want me to talk about
6 teachers specifically?

7 Q Yes.

8 A Okay. All right.

9 Q How many teachers and the source of
10 their funding.

11 A Okay. Yes, seven.

12 Q Okay. And is it accurate to say that
13 all of those positions were funded through the
14 GNETS state grant?

15 A Yes.

16 Q Okay. How does that compare to the
17 number of teachers you currently have on your
18 staff?

19 A So currently I have -- in Glynn County,
20 there's one, two -- there is two -- I currently
21 have eight teachers on staff and there were
22 seven last year. And now, let me see, do any of
23 my TBD's, were they teachers? We can go back
24 up.

25 Q At the very beginning.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
276

1 A Yeah, because my -- you know, I had a
2 lot of hiring to do last year. Let's see.
3 There's some. There's one teacher there, so
4 that would have been eight. There's another --
5 there's nine.

6 Q What does it mean for there to be a TBD
7 next to the teacher's name?

8 A That I need a teacher and I haven't
9 found one yet, so I should have nine teachers
10 starting the year off last year, total, all
11 state funded, and this year I have eight.

12 Q And you were saying a moment ago that
13 it's been more difficult this current school
14 year to find teachers?

15 A No. No, I am -- I mean, we are doing
16 well, you know, staffing wise this school year.
17 I mean, absolutely.

18 I mean, we're still having the, you
19 know, occasional, oh, this isn't for me kind of
20 thing because GNETS been pretty -- but, no, last
21 year and the year before, and I actually think
22 last year was probably worse than the year
23 before. We had a difficult time finding staff.

24 Q Why do you think it was difficult
25 particularly last year, but also those

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
277

1 two years?

2 A Well, of course, we were -- you know,
3 mental health has been a challenge and a lot of
4 people -- I mean, we had COVID-19, you know, the
5 year, you know, prior and they were just -- you
6 know, people were afraid to come to work, you
7 know, even with protocols in place and afraid to
8 apply -- or not afraid to apply, but just afraid
9 to come to work.

10 I honestly -- you know, my -- I also
11 think that mental health and isolation, not only
12 did our students mental health issues increase
13 but people as a whole, adults. I mean, the
14 isolation was horrible for everybody.

15 So when staff -- we had staff with, you
16 know, mental health issues themselves and
17 anxiety and, you know, things like that, so
18 there are a ton of issues, you know, things that
19 kind of go into play there. The isolation that
20 when -- you know, we closed down -- I knew we
21 had to -- that was not good for anybody.

22 And -- and so there's been a wide range
23 of impact from, you know, the children being
24 more difficult. Even the staff we hired, the
25 children's more difficult and, you know, when

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
278

1 you have new staff and you hire them and you're
2 trying to train them, you know, on-the-job and,
3 you know, you're trying to understand or, you
4 know, from the leadership perspective, the
5 trauma that the isolation has caused to
6 everyone.

7 You know, staff had that -- they have
8 -- you know, new staff haven't belonged to that
9 yet -- they're like, I'm going to the house, you
10 know.

11 So it's just -- yeah, it's just -- and
12 we weren't the only ones. I mean, school
13 systems, I mean, we had to do some really
14 creative things last year to, you know -- you
15 know, attract and hire teachers and things like
16 that so...

17 Q For the current school year, do you
18 have any vacancies among your teachers?

19 A No teacher vacancies.

20 Q Do you have any vacancies for any of
21 your positions this school year?

22 A I have a para and a -- no -- yeah, a
23 para and a -- well, no, that's not vacant yet,
24 but we expect it will be. So currently, I have
25 one para vacant in Glynn County.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
279

1 And in Liberty County, I have one
2 actual vacant needed, required, you know, or to
3 me, needed staff member and then three
4 additional paras that my systems are paying for,
5 and one of those being an RBT that I'm hiring,
6 in the process of hiring now. And those are --
7 I asked for and they said yes.

8 Q So you're still trying to hire to fill
9 those positions?

10 A Yeah, but those are not -- I mean,
11 those are -- well, I'm actually getting some
12 want to positions, some, you know, positions
13 that I believe will add to services provided,
14 yes.

15 Q And then I guess one more question
16 about your teachers for the current school year.
17 Do you have any teachers who are not
18 fully certified?

19 A Yeah. I have teachers that are
20 provisionally certified. But again, it depends
21 on what your definition of certified is, so you
22 tell me.

23 Q So have received full certification by
24 the state or the Professional Standards
25 Commission?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
280

1 A Okay. So full certification. What do
2 you mean by that, a clear renewable
3 certification? Certification --

4 Q So not provisional, so --

5 A Okay. Yeah, I do have some provisional
6 hires, you know, that are currently in programs
7 meeting -- and -- but like I said, those were
8 some of those interesting things that we had to
9 do last year to get and attract people, but
10 they've been with me since last year and so
11 they're rocking on. They're doing great, so --
12 but yeah, so you want to know how many; is that
13 right?

14 Q Yes.

15 A Okay.

16 Q Of your current teachers, how many --

17 A Yes.

18 Q -- would be --

19 A Three.

20 Q Okay. All right. And then the last
21 category that I want to discuss are the
22 paraprofessionals.

23 So going back to the grant application
24 -- I'm just going to scroll down -- my count is
25 16, but I'm just going to count until I can know

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
281

1 if I am counting them -- correctly.

2 So I see here one, two, three, four, on
3 this first page that are TBD; is that correct?

4 A That's correct.

5 Q Okay. And then five, six, seven,
6 eight, nine, ten -- well, actually, appears to
7 be -- adding to that number, some of those are
8 now existing staff.

9 And then 11, 12, 13, 14, 15, 16, which
10 appear to be a combination of existing and new
11 staff; is that correct?

12 A Yes.

13 Q And I do not see any other
14 paraprofessionals.

15 Is that consistent with what you're
16 also seeing?

17 A Yes.

18 Q Okay. So that was a total of 16 and I
19 don't know if you were looking at the funding,
20 but would you agree that the paraprofessionals
21 are funded through a combination of the state
22 GNETS grant and federal IDA funds?

23 A Yeah. Two only were funded through
24 federal IDA funds, yes.

25 Q Okay. So comparing that to the current

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
282

1 numbers that you have, how many
2 paraprofessionals are currently employed by your
3 program?

4 A Twelve.

5 Q Okay. And what are the sources of
6 funding for those positions?

7 A The current positions?

8 Q Yes.

9 A Four of those are funded through IDA,
10 and the other eight are state. And then, of
11 course, I have the three that will be LEA funded
12 that I haven't hired yet.

13 Q Okay. All right. I am going to stop
14 sharing.

15 I want to switch gears again now to
16 talk about the therapeutic services that you
17 provide at Coastal Academy.

18 I guess, first of all, what are your
19 views on providing students with school-based
20 mental health services?

21 A We should be doing it and we should be
22 doing it everywhere, I mean, and we should be
23 doing it -- there should be a school-based
24 mental health clinic in every school, or if
25 they're small systems, at least one per the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
283

1 small district. And, you know, there should be
2 referral pathways that have been created with
3 those school-based mental health facilities to
4 our community providers so that, you know, there
5 is a continuity of services and wraparound.

6 There should be -- you know, GNETS
7 should have, you know, adequate funding if --
8 you know, for school-based mental health, that
9 needs to be provided as well, you know, there is
10 a difference, you know, between what DBHDD can
11 provide versus what GNETS can provide regarding,
12 you know, counseling and things like that.

13 And -- but, again, it should be -- and
14 this all goes back to their pyramid of
15 interventions now at MCSS. It should be an
16 integrated framework that includes, you know,
17 SEL mental health, the underlying to access that
18 whole child and those barriers as well as
19 behavior and academics and things like that.

20 And, you know, school-based mental health should
21 be there and there needs to be funding. I mean,
22 just -- we're behind, Georgia's behind on that
23 and it needs to be better.

24 And in our rural districts especially,
25 you know it's just -- you know, and I serve a

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
284

1 few. It's just, you know, there are a lot of
2 times where, you know, currently, you know,
3 GNETS is about it, you know, and so it --
4 absolutely. I mean, absolutely. I'm all about
5 it, all about it, all for it. So would love to
6 have one. So -- so that's my view. Does that
7 answer your question?

8 Q Yes, that does. That does.

9 Can you walk me through -- or actually,
10 can you just list for me, the mental health and
11 therapeutic services that are currently provided
12 through your GNETS program?

13 A Okay. So we have group counseling and
14 group -- you know, we take kids with maybe
15 similar issues or maybe at -- you know, at our
16 Level 2 of supports that meet that category and
17 we provide groups, you know, to them, okay. And
18 that's usually once a week along with that.

19 Then we have individual counseling.
20 And by the way, individual counseling's offered
21 to everyone that comes to Coastal Academy. We
22 talk it up to every person. I try to, you know,
23 get that permission form signed and offer it in
24 there and -- but it's also at my most intense
25 level, my Level 3, you know, that individual

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
285

1 counsel is actually a part of their process and
2 supports, so that is provided.

3 We also -- at the Liberty site, I have
4 partnered with Viewpoint with DBHDD and I have
5 -- it's called -- gosh, C3, yeah, care
6 coordination wraparound and all I had to was
7 provide an office or a spot for her, and I pay
8 nothing for her and basically she's there and
9 she -- we refer families and students to them.

10 And if they meet, you know, whatever
11 they determine their requirement to be because,
12 I mean, my policy is I refer everybody, okay,
13 praying that everybody gets it, but that's also
14 at one of my most intense levels of supports.
15 But they provide those wraparound services and
16 continuity and she -- you know, and she's
17 actually done an amazing job with some of our
18 most, I would say, difficult parents. I mean,
19 just one I can tell you that's been completely
20 turned around, but -- so that's been great.

21 But right now. I only have it in
22 Liberty, at that campus with those five school
23 systems with Viewpoint and Viewpoint -- well,
24 DBHDD and Gateway, let me just say, who serves
25 the Glynn County area, we did us a nice little

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
286

1 go because I worked and worked with them.

2 And anyway, it didn't -- we didn't get
3 it set up, so -- for Glynn, you know, just for
4 -- I guess, you know, not for a lack on my part
5 because, you know, I got the documentation, I
6 was out there and tried to set it but it didn't
7 get set up, so -- but that's great. So we're
8 doing that there.

9 We have a variety, also, of community
10 partnerships and agencies. Our students, if
11 they have those outside counselors and receiving
12 those services, we have permission and we have
13 them coming in.

14 Also, this started this year at my
15 Liberty site, which, you know, I'm excited about
16 is that -- and I know that -- this is my
17 negative, okay, but some people take it -- the
18 Department of Juvenile Justice has taken a more
19 active stance.

20 I have, you know, some kids that are on
21 probation, so Department of Juvenile Justice has
22 now put -- given us, you know, life half-time,
23 three days a week, there's a probation officer
24 there. You know, may not serve or represent the
25 kids that are actually -- but they're there for

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
287

1 the kids, all of the kids, you know, just to
2 help provide, you know, knowledge and things
3 like that about law and, you know, what this is,
4 what that is. You know, checking in, checking
5 in with the family, and so that's been very
6 beneficial and very good.

7 We do LIPT. Everybody that meets
8 criteria for Level 2 supports, we do a referral
9 to the local LIPT along with that referral to,
10 of course, our wraparound person with Viewpoint
11 that we do that referral.

12 Therapeutically, we -- I'm going to
13 include my care model, that's done at both the
14 Glynn County and Liberty County sites, and it is
15 a therapeutic process of regulation and
16 providing somata sensory input and, you know,
17 regulating drain-off going into the LSCI
18 determining what brain -- you know, state in the
19 life space crisis intervention stage or
20 whatever, to move to them to the pre-cortex to
21 reason with those students. So I'm just
22 thinking about the other stuff we do.

23 I feel like -- I mean, we do a lot.
24 Does that make sense? My main thing is that
25 my -- you know, my students feel safe and secure

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
288

1 at school, at our program and, you know,
2 recently, for example, we had a student whose
3 friend a few weeks ago was killed in a drive-by
4 in Savannah and he was having a very, very bad
5 day, very, like, bad day.

6 We've didn't find out until the very
7 end of the day when he was trying to leave, of
8 course, campus and, you know, I stopped him. I
9 started talking to him. We had been talking to
10 him but that's when he, you know, revealed the
11 information and, you know, I said, you know
12 what, mom made him come. He didn't want to
13 come, he wanted to stay home, you know, mom made
14 him come.

15 But, again, for that kid, the next day,
16 guess what? I was like, you know what, come to
17 school. I'm going to give you -- you need some
18 mourning time, you know, time to mourn and
19 grieve.

20 And so I didn't put him in the
21 classroom, you know, I had him doing some
22 chores, some duties, you know, in my -- the
23 library where my office is there and we could
24 also talk, you know, throughout, and that was
25 very beneficial and got him back in class.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
289

1 So we -- we provide services based on
2 what they need and what they need may not be in
3 a textbook.

4 Q Are there any other specific
5 therapeutic or mental health services -- I'm
6 going to follow-up on a number of things you
7 said -- but are there any other services that
8 you-all provide that you haven't already listed?

9 A We have a nurse and -- at both sites
10 who works with psychiatrists with medications.

11 I also are -- and my coordinators, we
12 -- if we can -- and the parent asks, we -- like
13 I attended a telehealth, tele-psychiatric visit
14 last week with parents/kid, so things like that.

15 And we -- restorative circles, by the
16 way, you need to put that in there. Three days
17 a week, we do SEL instruction. I like Move This
18 World. That's kind of my Tier 1, but I have
19 some other things that we use, behavioral skills
20 training and such for up to -- you know, more
21 intensive services. But we also do restorative
22 circles at least two days a week and every day,
23 they have a morning meeting to unpack their
24 invisible backpack, all classrooms.

25 Q Anything else that you can think of?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
290

1 A No. I mean, there's a bunch, but I
2 think that's the idea.

3 Q Okay. I want to go back up to the
4 beginning. You started out by talking about
5 group counseling and you mentioned that that's
6 provided one time a week; is that correct?

7 A No, I think it's twice. Provided
8 twice, uh-huh.

9 Q Okay. Who provides this group
10 counseling?

11 A Ms. Bogan.

12 Q And she's the counselor; is that
13 correct?

14 A The LPC, yes, ma'am.

15 Q How many students -- well, I guess I
16 should say, which students are able to take
17 advantage of the group counseling that's
18 offered?

19 A Really any student that attends the
20 GNETS program. However, if they meet the -- you
21 know, we -- every nine weeks, we meet and we do
22 a data triangulation process where we look at
23 the data, you know, the three points and
24 determine what level of supports they require.

25 So if they require Level 2 supports,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
291

1 that is where that level -- that group
2 counseling is found there. And, you know, we
3 most definitely, you know, discuss then at that
4 point in time with parents, try to convince them
5 any way we can. We have Ms. Tamara call. We --
6 most of the time they allow -- they allow them
7 to participate. We've not had anybody not.

8 And then those kids that we think we
9 got maybe a group going on -- a CBT group
10 dealing with, you know, anxiety. If we have a
11 -- you know, some kids that we feel that really
12 would benefit from that, then we would put
13 that -- them in there.

14 Also, kids that get that are kids at my
15 Level 3 because it's not that, you know, I have
16 three levels of support, so if they qualify for
17 Level 3, it doesn't mean they stop getting Level
18 2, they just get Level 3 added on top of Level
19 2. Does that make sense?

20 So, it's compounded. So we're just,
21 again, adding intensity and frequency to the
22 interventions.

23 Q And when are those group counseling
24 services provided during the school day?

25 A Well, we pull them out. I mean, she

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
292

1 has to schedule it and we have to do that. I
2 mean, she has a schedule for when she provides
3 it so -- and what -- you know, it's about, you
4 know, 20 to 30 minutes per time and whatever
5 they miss, I mean, the teachers work with that
6 group of kids to catch them up.

7 Q Okay. You had also mentioned that you
8 have individual counseling.

9 You mentioned that that is offered to
10 everyone?

11 A It's offered to everyone, everybody.
12 But, again, those kids at my Level 3 most -- you
13 know, those are the ones we really, really talk
14 it up to.

15 But I actually send home a little
16 brochure and permission form at the beginning of
17 the school year to everybody, and it's also in
18 my new student packet that they fill out, so --
19 to make sure that that is provided or get their
20 participation.

21 Q Does Ms. Bogan also provide individual
22 counseling?

23 A She does.

24 Q And are there any students who receive
25 individual counseling on a regular basis?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
293

1 A Oh, yeah, absolutely, uh-huh.

2 Q Are those students at a particular tier
3 or does it really just vary depending on the
4 student?

5 A Both. They're at a particular tier and
6 if they were given consent and, you know, we get
7 -- we put them in -- you know, Ms. Tamara, I'm
8 probably going to have to -- I really could use
9 another counselor at this point in time because
10 she is working, I mean, working it.

11 But she also -- but because I'm LPC,
12 she does the -- my suicide evaluations as well,
13 but I also do those, too, because we're both
14 LPC's and so -- but anyway.

15 Q And in your capacity as LPC, are you
16 providing of any of the therapeutic or mental
17 health services directly to students currently?

18 A Am I -- do I have them scheduled as in
19 I see them every week at a certain time? I do
20 not. But do I provide the services? I
21 absolutely do whenever I can and I will talk to
22 Tamara and I will say to Tamara, I saw this one
23 today, blah, blah, blah, blah, so absolutely.

24 Like I said, suicide evaluations, but,
25 yes, just like that young man I talked about,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
294

1 you know, yeah. But no, do I have a schedule?
2 Absolutely not.

3 Now what ideally my plan was to help
4 with some of those groups and I'm hoping to be
5 able to do that.

6 Q I'm sorry, Ms. Futch, I couldn't hear
7 the very last part of what you said.

8 A Ideally, my plan is for this year, I
9 wanted to be -- to help with those groups and -
10 I think you're frozen. Are you frozen again?

11 THE VIDEOGRAPHER: It sounds like
12 we're having an issue with the
13 connection. We're going off the record
14 now at 3:53.

15 (Whereupon, a short break was
16 taken.)

17 THE VIDEOGRAPHER: We are back on
18 the record at 3:57 p.m. Please
19 proceed.

20 BY MS. HAMILTON:

21 Q Ms. Futch, I wanted to ask you now
22 about the partnership that you mentioned with
23 Viewpoint Health and you said that -- I think
24 you said that was through DBHDD.

25 How did you get that partnership

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
295

1 started with Viewpoint Health?

2 A Derrick Gilchrist, actually, from South
3 Metro, he and I were talking doing a
4 presentation together that we were going to
5 present at PBIS conference for NME and he told
6 me about -- because he's doing it -- about it,
7 and I guess it's in his area and he gave me the
8 contact information for Chad Neal, I think is
9 his last name, I'm not sure.

10 Q Chad Jones?

11 A Huh?

12 Q Chad Jones, by any chance?

13 A Jones, maybe, yes, okay, that sounds
14 better, okay. And I -- actually, he reached out
15 to me and I reached back out and it was a couple
16 meetings and we -- it got set up.

17 Q What was the timeframe when you
18 initiated the -- this partnership?

19 A I'm going to say about August of last
20 school year, so what was that, '21? Yeah.

21 Q Okay. And what are the services that
22 Viewpoint Health is providing to your students?

23 A Well, you know, they, of course, check
24 in with them and check in with the teacher and
25 see how they're doing, relay that information,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
296

1 of course, to home. They work with the family
2 to see if they're -- there is any additional
3 services that are needed like, you know, I have
4 some kids that the only place they get
5 counseling is GNETS, with us, and they need --
6 they find them -- work with them to find them
7 counselors, maybe get them you know, ABA
8 services in the home, if needed.

9 You know, maybe -- like I have a couple
10 that they're helping the parents get insurance
11 for the adult, the parents because they have
12 medical problems. They actually do some, you
13 know, behavior training because I -- again, I
14 have one parent that they have really worked
15 with -- with parents. I've been really, really
16 pleased.

17 But, again, they're there to provide
18 more continuity and they also will go out and
19 work with our kids that are transitioning to the
20 LEA setting to help with that, make that
21 successful, that transition successful doing the
22 same thing. And, you know, so -- and see that
23 if they need services at home or in the
24 community, they try to locate those as well.

25 Q And do of these things fall within the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
297

1 bucket of what you referred to as I think the
2 C3 --

3 A Yes.

4 Q -- care coordination?

5 A Yes. It's three C's. I know care and
6 coordination. I don't know what the other C is,
7 but they call it C3, yes.

8 Q Okay. And did I hear you correctly
9 when you said that right now, only Liberty is
10 participating with five of your school systems?

11 A Yes. That GNETS site, yes. I was --
12 because Viewpoint did not, or could not -- I
13 can't remember -- go as far as to Glynn, you
14 know, and so Chad introduced me to Gateway
15 because that's who is over -- or in that
16 particular area with DBHDD and whoever their
17 lead person was.

18 And their lead person said, well, let
19 me get you to my other person that would do
20 this, and so I talked with this woman and I
21 e-mailed back and forth and -- several times,
22 we're working on a new system. I don't know
23 what C3 is. Just a variety of different things,
24 and it basically never got together. But I
25 tried, I absolutely did.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
298

1 Q How many students do you have
2 participating in the program from the Liberty
3 site?

4 A Currently, I have approximately, I'd
5 say ten. Now it's a little harder to get
6 participation with that one because a lot of
7 families don't want people in their -- because
8 they come into the home, but, you know, we -- we
9 certainly are referring everyone and giving it a
10 shot.

11 Q How many referrals did you make
12 compared to how many you are participating in?

13 A Okay. So last year, I referred -- at
14 one point in time, referred every student --
15 well, I'll say 90 percent of my students, which
16 I would say would be at least, at that point in
17 time last year, 45 students. And, again, they
18 are -- there's about approximately ten that
19 they're working -- well, yeah, ten, or maybe a
20 little -- maybe 12 that they're working with.

21 This year, so far, we've not made as
22 many referrals as of yet, but I believe we've
23 made probably somewhere around the -- maybe
24 around ten referrals and I think they picked up
25 two or three more from that.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
299

1 Q Okay. And I know you mentioned a
2 moment ago that one of the challenges is that
3 some parents may not want people being that
4 involved in their home life.

5 A Uh-huh, yeah.

6 Q Are there any other barriers that you
7 think are preventing more students from taking
8 advantage of this?

9 A Yes. And this came from my -- the lady
10 that -- her name is Samantha that works --
11 that's there at my site. You know, they do have
12 -- they have criteria of who they will provide
13 the services for, who they want. I'm guessing
14 it's a matter of funding and how it's funded,
15 they have to meet certain criteria.

16 So typically if -- like some my most
17 needy families where the kids are actually
18 tearing the house up are my families that are --
19 they are low functioning cognitively, low IQ,
20 below 50 or so, they rarely -- in fact, she told
21 me that because it is the IQ, that they won't
22 get involved in that. They won't -- you know,
23 so that's an issue. And then they prefer to
24 take -- they're going to get the kids first that
25 have had multiple hospitalizations. Okay?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
300

1 They've had multiple hospitalizations,
2 they'll get those first and, you know, she's
3 only one person so she can only do so many. So
4 I'm hoping that, you know, eventually they'll
5 add more. So I don't know what her -- you know,
6 she keeps telling me, I think I can do more two
7 or three more, you know, what her cutoff is.

8 But, you know, yes, I refer those kids
9 that have had multiple hospitalizations but the
10 issue is I really haven't had a kid that have
11 had -- a lot of kids that have had
12 hospitalizations recently and that's all I did,
13 in my opinion, is to prevent them from having
14 those.

15 And so I want them to have services,
16 you know, upfront. But I'm working with what
17 I'm working, you know, and I'm happy to have the
18 service.

19 Q And you said that your program doesn't
20 have to pay anything to take advantage of this;
21 correct?

22 A Nope, that's right.

23 Q How is the -- how are these services
24 funded, do you know?

25 A My guess is they're funded by Medicaid

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
301

1 somehow, but I don't know.

2 Q Okay.

3 A And not -- it has nothing to do with
4 that I -- I complete nothing for the funding, no
5 paperwork, no questions, nothing, so.

6 Q Okay. And do you have any contact with
7 DBHDD or any of the state agencies in connection
8 with this care coordination or this C3 program
9 that you have with Viewpoint?

10 A Just Chad. I mean, I haven't talked to
11 Chad in a while. I mean, I don't need to. And
12 just the Viewpoint people whenever we need to
13 meet. We meet periodically or whatever.

14 Q Okay. And I know you listed various
15 other ways that you-all provide services to
16 students. I just want to follow-up, you
17 mentioned community partnerships and agencies.

18 A Uh-huh.

19 Q What would be some examples of other
20 community partners or agencies that you're
21 working with?

22 A Well, you know, we actually have the
23 Third Infantry Division at Fort Stewart and they
24 come in down in Liberty County and they provide
25 Christmas, you know, activities with the kids

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
302

1 just to kind of mentor or role model. Halloween
2 coming up, you know, things like that. So those
3 are kind of fun kind of things.

4 But also, we have a -- and including
5 with my Glynn site, you know, and with Liberty,
6 we have -- they're not written formal
7 partnerships, they are just -- we've had an
8 understanding for years, you know, for example,
9 Darsey Black and Associates, it's an individual
10 counseling group, they're providers.

11 You know, they come in, you know, we
12 just get permission signed for them to be able
13 to -- like an interagency release permission to
14 release information and for them to see the kid
15 here, you know, at school. So they come in and,
16 you know, do that.

17 So just kind of -- you know, they're
18 common -- they -- actually, for a while, you
19 know, we have the same programs over with our
20 Glynn site, we have, again, Darsey Black and
21 Associates. We have, I believe, Melinda Graham.

22 Gateway used to come in but not so much
23 anymore, but they still occasionally have, you
24 know, some counselors, students that they work
25 with when they come in.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
303

1 So, but when I -- community
2 partnerships, I mean, you know, those outside
3 community agencies with counseling providers and
4 such that we work with.

5 Q And the counseling providers that you
6 listed a moment ago, are those services provided
7 that you-all have arranged or is it just a
8 continuation of services that students were
9 already receiving?

10 A It's just a continuation of services
11 for continuity purposes, you know, they meet
12 with us and staff and, you know, that. So, no,
13 we did not arrange these services.

14 Q Okay. Are you familiar with the APEX
15 program?

16 A I am.

17 Q Okay. What is APEX?

18 A APEX is a portion of DBHDD, and
19 currently, they are providing mental health
20 counseling or counseling to students within our
21 local educational settings.

22 Q Can students in your GNETS program
23 access APEX services?

24 A They cannot.

25 Q And how do you know that?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
304

1 A I know that because we've gone back and
2 forth with each system. I mean, I've tried it
3 at various systems and because I already know
4 the answer but I figured, well, maybe they don't
5 know and I'll -- and I'll try that, so -- and --
6 but I was told that -- and I'm not the only
7 GNETS director -- we were told -- multiple GNETS
8 directors have been told this -- that APEX,
9 those counselors, that money, I mean, cannot be
10 used to serve GNETS students, only, you know,
11 students in the local educational setting.

12 Q Okay. And who told you this?

13 A Okay. So I was told -- the first time
14 I was told that was from was from about
15 three years ago, four years ago, maybe, from the
16 -- I can't remember her name -- but she was the
17 McIntosh County APEX person. You know, she
18 wasn't licensed, and most of them that I have
19 found, some of them are licensed, some -- the
20 majority here are not. It's, you know -- maybe
21 they're working toward it or whatever.

22 But, so I was told by her and then
23 if -- I was told by Viewpoint, and I can't
24 remember which person it was but it was during
25 one of our meetings where we brought -- I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
305

1 brought APEX up and they were like, you know,
2 there was a meeting and we were told, I don't --
3 you know, like I said, I don't know the girl's
4 name, but they told me as well that they could
5 not use APEX money on GNETS students.

6 Q Are there any therapeutic services that
7 you wish you could offer to your students but
8 cannot right now?

9 A Yeah. I would like a school-based
10 mental health program, mental health, yeah. I'd
11 like a psychiatrist, even if it's telehealth.

12 And I have been successful, up until I
13 would say last year, I mean, we did have
14 telehealth going but the problem is, with
15 staffing everybody had a problem with staffing,
16 so we couldn't keep one consistent psychiatrist
17 with telehealth so they were changing over and
18 over and the kids and the parents were becoming
19 frustrated so they had to keep telling their
20 story, you know, and -- so, yeah, absolutely, I
21 would like that. I would like to have a
22 school-based, you know, mental health program.

23 And, you know, quite frankly, my vision
24 of GNETS is, you know, where I actually have a
25 mental health staff and an educational staff, or

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
306

1 the school systems fund the education actual
2 staff and provide training and all for that and
3 GNETS or me or whoever with knowledge, you know,
4 there's money that's just used and GNETS becomes
5 school-based mental health and they go in and
6 they provide additional service -- services, you
7 know, very much like we're doing now but with,
8 you know, these things in place and going into
9 the classroom and counseling and things like
10 that. I don't know.

11 Q Okay. Are there any ways that state
12 agencies like the state DOE or DBHDD can better
13 support your GNETS program when it comes to
14 providing therapeutic services to your students?

15 A Okay. So, look, I don't know where the
16 money comes from and I know we've been told over
17 and over how we're funded, state grant, I know
18 federal money, but I don't -- like they say,
19 it's for therapeutic services grant, I totally
20 don't understand why some of us are getting, you
21 know, \$300,000 for it and I'm getting 47,5 when
22 I'm bigger than the program that's getting that
23 much money, I have no idea, so that bothers me.

24 I would like to get -- you know, at
25 least make that more, equitable, okay, for that

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
307

1 piece. Does that make sense?

2 And so based on the number or may them
3 compete, do an application, whatever, a grant
4 app.

5 Also, you know, you know, DBHDD, where
6 are they at? I would like to see us be able to
7 utilize APEX as well. I mean, it's a state
8 agency out there. We should be working together
9 to serve our students and I don't feel like
10 there's any collaboration.

11 I mean, I feel like it's a -- we're
12 over here, they're over there, you know,
13 everybody's afraid to cross each other's
14 territory. And I know there's a -- and, again,
15 I don't understand the big picture. I know
16 there's a lot of regulations and things with
17 money and this pot of money can't be spent here
18 but I don't know.

19 So, yeah. I mean, you look at APEX
20 going on, I mean, so, you know, and I know that
21 they need more APEX counselors but I also know
22 that in the governor's budget, he also
23 allocated, I don't know what, \$5 million more, I
24 think, for, you know, APEX folks, you know -- I
25 don't know. I'm just sitting here thinking to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
308

1 myself, hello, you know?

2 We got your most intensive most severe
3 students, you know, requiring services or, you
4 know, or even DBHDD working with their
5 residential facilities, just per se. Like, I
6 don't have one in my area that I could, but
7 these other GNETS programs, it just makes me
8 wonder, like, in Atlanta or Savannah, you know,
9 them providing the educational services during
10 the -- you know, for them, but working in
11 conjunction and setting up some kind of
12 partnership where they could have that
13 school-based mental health since they're right
14 there and then do, you know, that with that
15 particular residential -- I don't know.

16 I'm just -- so, yeah, I would like to
17 collaborate more and see the agencies work
18 together to do what's best and serve our
19 students.

20 Q That's helpful. I want to switch gears
21 now and we actually talked about this a bit
22 earlier, we were talking how students get placed
23 into the GNETS program, but I want to talk about
24 a few documents connected to that process and
25 I'm going to share my screen in a moment.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
309

1 I would like for the court reporter to
2 mark this next document as Plaintiff's Exhibit
3 556.

4 (Whereupon, Plaintiff's Exhibit
5 Number 556 was marked for
6 identification.)

7 BY MS. HAMILTON:

8 Q And Ms. Futch, I'm now showing you a
9 document that has been -- the document that has
10 been marked as Plaintiff's Exhibit 556.

11 The title is, GNETS Services Flow
12 Chart, and we received this document from your
13 program in response to our subpoena for
14 requesting documents.

15 A Yes.

16 Q Our internal DOJ numbering was Coastal
17 Academy temp 002999.

18 Are you familiar with this document?

19 A I am.

20 (Audio interruption.)

21 BY MS. HAMILTON:

22 Q Okay. Ms. Futch, what was the last
23 thing you heard me say?

24 A Do I do recognize this document.

25 Q Okay. So do you recognize this

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
310

1 document?

2 A I do, yes.

3 Q Okay. What is the document?

4 A It's our GNETS coordination -- a
5 consideration of services flow chart that, you
6 know, we supply to our LEA's to help guide, you
7 know, their, you know, consideration, who should
8 be considered for services and how.

9 Q Okay. Who created this document?

10 A One of those strategic plan committees,
11 not me.

12 Q Okay. And the committee was connected
13 to the state DOE?

14 A Well, the strategic plan. It was a
15 result of one of those, yeah.

16 Q Okay. All right. Am I correct that
17 this flow chart sets forth three different --
18 essentially three different paths?

19 A Yeah, and I no longer see it. Do you
20 want to pull it back up?

21 Q Oh, sure. Thank you for that.

22 A Yeah, thank you.

23 Q Okay. All right. So the GNETS
24 Services Flow Chart is the document on the
25 screen, is Exhibit 556, and my question for you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
311

1 is: Is it correct that the flow chart sets
2 forward three different paths by which a student
3 can be served through the GNETS program?

4 A Yes.

5 Q Okay. And those tasks are
6 consultation, the standard process, and the
7 move-in process; is that right?

8 A Yes.

9 Q Okay. So let's start with the
10 consultation, and you've referenced this a few
11 times during your deposition, but what exactly
12 is consultation?

13 A Well, consultation is the process of
14 providing -- the GNETS program providing
15 indirect services to the students versus direct
16 services.

17 So this would be where, you know, we
18 have been requested -- the LEA completes our
19 consultation request form and then they list on
20 there what type of consultation they're
21 requesting, and some of it is, you know, like I
22 said, indirect consultation where we look at
23 information and, you know -- you know, IEP
24 information and things like that and we, you
25 know, give them some ideas, you know, just kind

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
312

1 of an informal kind of thing.

2 FBA coaching. So this is where we
3 might go over and, like I said, identify the
4 healthy teacher or para or the teaching team,
5 identify the appropriate target behaviors and
6 help them set up the FBA process and, you know,
7 give them explanation how to collect the data
8 and then come back when the data's collected and
9 assist them to analyze it.

10 We pretty much do that at Coastal, we
11 analyze it for them after we clarify everything
12 and then assist them in writing a new behavior
13 and intervention plan.

14 And then, of course, more direct
15 consultation is we go and observe the student
16 ourselves and provide written
17 feedback recommendations.

18 Q Who on your staff provides consultation
19 services?

20 A I do, Steve Derr does, Jody Carter
21 does, and Stephanie Horton.

22 Q Okay. And you mentioned that this
23 process is typically initiated by the school
24 district completing a request by the GNETS
25 consultation form; is that right?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
313

1 A Yes, uh-huh.

2 Q I'm going to show you another document.

3 And I'd like for the court reporter to
4 mark this as Plaintiff's Exhibit 557.

5 (Whereupon, Plaintiff's Exhibit
6 Number 557 was marked for
7 identification.)

8 BY MS. HAMILTON:

9 Q Ms. Futch, I'm now showing you 557,
10 which has a title, Request for a GNETS
11 consultation, which this is another document
12 that we received in response to our request for
13 production of documents from --

14 A Uh-huh.

15 Q -- Coastal Academy with our internal
16 numbering of 022997.

17 Do you recognize this document?

18 A You want to scroll down so I can see
19 the rest of it or do you want me to?

20 Q Looks like there's one more --

21 A Okay. So it's just the blank one.
22 Yes, I do.

23 Q Okay. Is this the request for GNETS
24 consultation form that you referenced a moment
25 ago when we were discussing flow charts?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
314

1 A Yes, ma'am.

2 Q Who created this document?

3 A The -- that same committee.

4 Q Okay. And by "same committee," you're
5 referring to the strategic plan?

6 A Yeah. The committee that was developed
7 from the strategic plan to do this, yes.

8 Q Okay. And that was -- okay. And was
9 this document shared with all of the GNETS
10 programs?

11 A Yes, yes, uh-huh. It's the one we were
12 told to use, yes.

13 Q And who told you to use it?

14 A Well, DOE, so that we would have a
15 common request for GNETS consultation. So that
16 was, you know -- part of that, again, strategic
17 plan development was to, you know, ensure that
18 GNETS programs, all 24 of us, you know,
19 implemented a set of common best practices and
20 had some common themes, so yeah.

21 Q Okay. And was that also a similar goal
22 for the flow chart?

23 A Yes.

24 Q All right. So I'm going to return now
25 and stop sharing this document and I'm going to

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
315

1 return back to Plaintiff's Exhibit 556, which
2 was the GNETS Services Flow Chart. Now I'd like
3 to look at the next path here, which is called
4 the Standard Process.

5 Who makes the initial determination
6 regarding whether a student should be considered
7 for GNETS?

8 A Well, an information packet is
9 completed to request consideration of services,
10 usually by a SPED teacher and then the SPED
11 teacher, of course, submits everything to the
12 special ed director or the special ed director's
13 designee, some of my special ed directors have a
14 designee, and the school administrator.

15 So they all sign off, the teacher, the
16 administrator, and the special ed director or
17 the special ed director designee, and then it's
18 sent to GNETS.

19 Q Uh-huh. And you referenced a document
20 called the Student Information Packet.

21 I actually want to show you another
22 document.

23 A And I apologize, it may be called a
24 consideration of services packet or something
25 now, but, you know, I can't remember the names.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
316

1 Yeah, that's -- oh, good. Okay. Hey.

2 Q This is helpful. I'm going to have you
3 confirm for me whether this is what you're
4 referring to, but this is a document I'd like
5 for the court reporter to mark as Plaintiff's
6 Exhibit 558.

7 (Whereupon, Plaintiff's Exhibit
8 Number 558 was marked for
9 identification.)

10 BY MS. HAMILTON:

11 Q It is titled the Confidential Student
12 Information Packet for GNETS and we received
13 this document from Coastal Academy in response
14 to Item 7 in our subpoena for production of
15 documents.

16 Ms. Futch, I'm going to give you
17 control.

18 A Okay.

19 Q Just so you can scroll through since
20 there is a few pages here.

21 A Yes.

22 Q Okay. And do you recognize this
23 document?

24 A I do.

25 Q Is this the student information packet

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
317

1 that you were referring to a moment ago in
2 connection with the standards process?

3 A Yes.

4 Q Who created this document?

5 A Again, that committee that was
6 developed from the strategic plan.

7 Q Okay.

8 A For this.

9 Q And is this another document that the
10 state DOE wanted the GNETS programs to use as a
11 standard document across the programs?

12 A Yes.

13 Q All right. I'm going to stop sharing
14 this document and return back to Plaintiff's
15 Exhibit 556, the GNETS Services Flow Chart.

16 Where we left off, Ms. Futch, you were
17 just explaining that that packet is completed.

18 Once it's completed, what happens next?

19 A It's then sent to the, you know, GNETS
20 coordinator, you know, however it's set up with
21 each GNETS program. So here it's sent to the
22 coordinator. Okay.

23 And the coordinator, you know, gives it
24 a nice review and, you know, calls special ed
25 director, and -- anyway, an IEP meeting is set

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
318

1 up at that point in time because even though
2 they completed this packet, you know, it is
3 still an IEP committee decision whether or not
4 GNETS or any form of GNETS services is, you
5 know, appropriate or LE -- LRE for this
6 particular student.

7 Q And I believe earlier you had mentioned
8 that you do participate in a number of these IEP
9 meetings; is that correct?

10 A I do, uh-huh. Well, I will say this,
11 previously, prior to, I would say, December of
12 last year, I participated in the ones that
13 required, like it was kind of litigious and
14 there was an issue, I was at every one of those.

15 But as of December of last year, I am
16 at almost 100 percent of all IEPs at the Liberty
17 site. Just -- I got to have my hand in it, but
18 yeah.

19 Q So I'm curious, from the meetings that
20 you've participated in, have you ever been
21 presented with a situation where the members of
22 the IEP team disagree on whether a student
23 should be placed in GNETS?

24 A Where members of the IEP team disagree,
25 meaning me a member, you know, of the team and I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
319

1 disagree with the team or other member of the
2 team disagreeing?

3 Q Both.

4 A Yes.

5 Q Like have there been situations where
6 you've disagreed with the team?

7 A Yeah.

8 Q What would be some scenarios where you
9 might not be in agreement with what the team has
10 recommended?

11 A Okay. For example, well, I know we're
12 on -- so we're just talking about a standard
13 process right now; correct?

14 Q Standard process.

15 A Okay. You know, maybe the behavior
16 intervention plan and the functional behavior
17 assessment was very poorly done and the behavior
18 intervention plan maybe didn't have any
19 function-based reinforcers or antecedent
20 modifications, anyway, so I had other ideas. I
21 thought maybe we should try this or that.

22 Or maybe, you know, we had not gone in
23 yet to observe the kid to provide that step.
24 Now, that step's required. I've asked that of
25 my districts to do that because, you know, I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
320

1 feel that, you know, it's another thing we can
2 put in place, but -- so I always most
3 definitely, you know, argue in favor of that.

4 But also where I have read
5 psychological evaluations and looked at
6 behavior, looked at the data, and the behavior
7 of the data leads me to believe that this is
8 more of an academic issue versus a behavior
9 issue, and I will argue it.

10 So there's been those particular
11 situations. And I've also, you know, disagreed
12 where there have been wanting full-time
13 placements and I went for -- okay, what about --
14 well, let's try a half-time first, you know, to
15 see how these things work. So yeah.

16 Q How does that point of disagreement --
17 sorry, my screen is saying my connection is
18 unstable again. Can you hear me?

19 A I can.

20 Q Okay. How do those points of
21 disagreement get resolved among the team? So,
22 for example, if you were to raise one of those
23 issues, what would then happen?

24 A Well, typically what would then happen
25 is I -- I argue it for a good little bit, I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
321

1 mean, and go back and forth with them.

2 And then, you know, if the SPED
3 director is in the IEP meeting, which is not
4 often, but if their designee is there, which is
5 the majority of the time or sometimes, you know,
6 there's a good chance that the IEP committee is
7 going to go my way.

8 But if I'm in there and -- you know,
9 because it's basically it's an IEP committee
10 decision, you win some, you lose some. So I
11 have lost more than I've won, let me just say
12 that.

13 So, you know, again, but I do make the
14 point and we discuss it and we -- you know, we
15 have a good discussion. It's a lot easier if
16 the parent's on -- doesn't want them -- but, you
17 know, that's not hardly, you know, always the
18 case.

19 So, again, I would say it's 50/50
20 chance of turning them around to convincing them
21 the other way.

22 Q Okay. And I want to look at this very
23 last pack here that says -- well, actually,
24 going back to what we were talking about a
25 moment ago, you had said earlier, was I just

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
322

1 referring to the standard process --

2 A Uh-huh.

3 Q -- in terms of times where you may have
4 disagreed.

5 Are there other scenarios where you
6 might have disagreed with a recommendation for a
7 student to be placed in GNETS?

8 A Yeah. There's probably, you know, a
9 lot more -- well, not a lot more, but just as
10 many with move-in for me, that's an issue with
11 that whole comparable services thing.

12 Q Okay. And I just -- what is the
13 move-in? Like what does it mean in reference to
14 move-in?

15 A Okay. So like if a -- for like a
16 student -- if a student moved within state and
17 was attending -- like I just got one last week
18 from Burwell, GNETS Burwell and moved down to
19 Liberty County, you know, that's a, you know,
20 quick and dirty look at that IEP, we have that
21 meeting.

22 Unless there's something relevant in
23 the minutes that says he was making progress, we
24 were going to recommend transition or
25 whatever -- and I also call the GNETS programs

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
323

1 to find out, you know, to get a head's up on the
2 kid, you know, that's one thing.

3 But if they move from out of state and
4 out state it gets tricky because there's a
5 variety of different IEP formats, number one, so
6 you really have to go through there and find
7 different sections of that IEP that you're
8 looking for.

9 But also with comparable services, it
10 is very difficult. I mean, I still do call
11 because what they do here, they -- this is more
12 of an indirect consultation. They send me this
13 paperwork ahead of time from the school and I
14 investigate and I go and, you know, into it.
15 And I'll call and see what kind of -- you know,
16 because I -- when we -- you know, when I talk
17 with them or we go to this, you know, IEP
18 committee to determine services, you know, I
19 have that information available.

20 So, again, I often feel that -- so it's
21 really more of a problem from other states, but
22 I often feel that we jump to too many
23 conclusions sometimes, you know, when they've
24 been at a -- you know, let's say New York is so
25 confusing because their schools are numbers and

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
324

1 even their special schools, you know, are -- you
2 know, they do have them -- are also numbered and
3 you call them and, you know, this one particular
4 school, they provide, you know, more of a moment
5 health, you know, these students -- you know,
6 have these services.

7 But then in the services section, they
8 have them listed in general ed. I'm like, wait
9 a minute. So you call again and -- but that's
10 generally within that school and I'm like, you
11 know, and so it's a -- with an IEP.

12 So it's just -- again, it can be
13 confusing and that's not anything on the school
14 system or, you know, it's just different states,
15 how they do things but, you know, I do
16 investigate that.

17 And then there's also the release from
18 the hospital. I actually think that -- or
19 residential treatment. I do think that we're a
20 logical stepdown GNETS, but I think that
21 sometimes LEA takes that too literal. That
22 doesn't mean that every student that's released
23 from the hospital, any residential, yes, but
24 not -- you know, a two -- you know, three to
25 five day hospitalization, I mean, you know,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
325

1 require GNETS when they came back, you know, and
2 so there's often some disagreement with that.

3 Q Okay. I'd like to show you one more
4 document connected to this process, and I
5 believe you referenced this while we were
6 talking earlier.

7 I'd like for the court reporter to mark
8 this as Plaintiff's Exhibit 559.

9 (Whereupon, Plaintiff's Exhibit
10 Number 559 was marked for
11 identification.)

12 BY MS. HAMILTON:

13 Q And, Ms. Futch, I'm now showing you
14 Plaintiff's Exhibit 559. It's titled the GNETS
15 Guiding Questions for Considerations for GNETS
16 Services.

17 This is a document that we received in
18 response to Item Number 7 in the United States
19 subpoena for production of documents.

20 I'm just going to quickly scroll down
21 so you can see it in full.

22 Do you recognize this document?

23 A Yes.

24 Q And I should note just for our internal
25 numbering that we have this as Coastal Academy

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
326

1 003008.

2 What is this document?

3 A So this is just a guiding question for
4 the LEA's to consider before sending a student
5 to us.

6 And I will say that, you know, this
7 evidence-based intervention piece is a problem
8 and that's disagreed on before. They don't --
9 there's some systems that don't quite understand
10 SDI or evidence-based interventions and -- from
11 the behavior standpoint, you know, SEL, and, you
12 know, often I question whether or not that's
13 actually been provided.

14 You know, where's that teaching aspect?
15 How did you teach the skill? You know, what
16 behavior space intervention. What -- you know,
17 are you providing any kind of social emotional
18 learning? And everybody's going to check in,
19 check out, well, that is -- that is fine. That
20 is absolutely great, but it ain't working if
21 you're referring them to me.

22 So, I mean, have we -- you know, where
23 is that teaching? Are how are we going back and
24 intervening and teaching what's needed to be
25 taught with behavior.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
327

1 Q And I just want to make sure, like, for
2 the record, when you're referring to
3 evidence-based intervention, is that in
4 reference to the third guiding question here
5 that says the evidence-based intervention's been
6 implemented with the student?

7 A Yes.

8 Q Okay. And are you saying that your
9 concern is that -- well, actually, I don't know
10 if I don't want to put words in your mouth.

11 But is it accurate that you're saying
12 it's not clear that the districts are actually
13 using the evidence-based interventions?

14 A Sometimes, yes, and I think what it is
15 is the teacher at that moment that's doing the
16 referring or whatever is going through this and
17 saying, you know -- and doesn't know the
18 difference between a strategy and an
19 intervention.

20 Does that make sense?

21 Q Yes.

22 A And often think because they've been
23 doing these strategies for this long, that
24 they've done interventions and it's -- you know
25 it's different, you know, and evidence-based

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
328

1 gets us all, you know, even me sometimes. I
2 know some really good interventions that -- and
3 I'm not saying that I don't -- I mean, that I
4 always use evidence-based, I mean, but I do
5 evidence-based interventions with all students
6 but I also use other interventions that I know
7 work as well and may not be on those, you know,
8 websites, What Works Clearinghouse or the -- you
9 know, the other two or three that we out there
10 that we check out.

11 Q And I just want to confirm, is this
12 another document similar to the document -- the
13 other documents that we just reviewed that was
14 created by the -- one of the strategic planning
15 committees?

16 A Yes.

17 Q And is this another document that the
18 state DOE has shared with the GNETS program?

19 A Yes. They shared that entire packet at
20 one GNETS directors meeting and, you know, when
21 it was first shared it had big draft written
22 across, you know, that we could make copies, and
23 then it was all e-mailed to us.

24 Q Are there any consequences for not
25 following -- for not utilizing the guiding

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
329

1 questions or any of these other
2 admissions-related documents?

3 A Are you talking about consequences from
4 the DOE?

5 Q Yes. From the state DOE?

6 A Well, you know, it's from our strategic
7 plan, I mean, you know, if we have, you know, we
8 -- typically, we're required to upload
9 documentation of, you know, the -- a student
10 from finish to end, if I recall, you know,
11 consideration of services down to, you know,
12 whatever. If we have one that's reintegrated
13 and says requirement and we actually do the
14 rating, but as far as I know, no, there hasn't
15 -- I mean, I don't -- I mean, I don't know. I
16 mean, I don't know if anybody's gotten -- had a
17 consequence or not so I can't really answer that
18 question. I haven't, but I've always been using
19 the form.

20 Q Indirectly?

21 A Yes.

22 Q Okay.

23 A Yeah. No, but I've also not done
24 anything -- I use the form.

25 Q Right. I'm going to stop sharing my

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
330

1 screen, and I want to go off the record.

2 THE VIDEOGRAPHER: Hearing no
3 objection, we're going off the record
4 at 4:39 p.m.

5 (Whereupon, a short break was
6 taken.)

7 THE VIDEOGRAPHER: We are back on
8 the record at 4:45 p.m. Please
9 proceed.

10 BY MS. HAMILTON:

11 Q Ms. Futch, were you present for any of
12 the site inspections that were conducted by the
13 United States experts?

14 A Yes.

15 Q How long before the site inspections
16 did you learn that the visit would occur?

17 A Oh, actually, well, we thought it was
18 going to occur at one time. For whatever reason
19 it didn't. So I'm going to say about a week
20 before that we actually found out, I think it
21 was May 2nd or 4th. I can't remember what day
22 mine was, but yeah.

23 Q Okay. And that was of the -- of 2022;
24 correct?

25 A Yes.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
331

1 Q How did you first learn of the site
2 inspection?

3 A My attorney told me.

4 Q Okay. Did you do anything to prepare
5 for the site inspection?

6 A I informed staff.

7 Q When you informed your staff, what did
8 you share with them?

9 A That, you know --

10 MR. NGUYEN: Sorry, I want to
11 object real quick. To the extent that
12 you're asking her to disclose any
13 information protected by
14 attorney-client privilege.

15 Certainly, Ms. Futch can answer
16 the question as long as attorney for
17 the school -- for the GNETS program was
18 not present in any conversation she
19 had. Okay. So don't disclose anything
20 discussed with the attorney or with the
21 attorney present. You can otherwise
22 answer the question.

23 THE WITNESS: Okay. I just -- I
24 told them that we were, you know, going
25 to be having a site visit and what

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
332

1 the -- you know, he was coming, the
2 Department of Justice, you know,
3 because there's going to be a lot
4 people here and I told them not -- you
5 know, experts, DOE, and I told them not
6 to worry, that they do their job well
7 and just do their job.

8 And, you know -- do their job and
9 that's really all, I mean, that -- you
10 know, we -- I really discussed. I just
11 didn't want them to panic, you know,
12 and -- but, you know, with that type of
13 kids, it's always good for them to also
14 say or prepare, hey, there's going to
15 be a group of individuals coming, you
16 know, to -- nothing, you know, for you,
17 them, or whatever, they're just kind of
18 observing things, you know. So I mean,
19 we didn't really spend a super
20 absorbant amount of time on it, you
21 know?

22 We -- you know, we had, like I
23 said, anticipated, thought they were
24 coming before then and so I think many
25 of them thought maybe they were, you

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
333

1 know, not coming or whatever but then,
2 you know, did, so -- but that was the
3 conversation, we got this, don't worry,
4 just do what you do.

5 BY MS. HAMILTON:

6 Q Were any special maintenance requests
7 made in anticipation of the United States site
8 inspection?

9 A I think I asked the carpet to be
10 cleaned, which they totally dropped the ball on
11 that, I mean, Jesus, but that was it.

12 Q Were any students' schedules modified
13 in anticipation of the United States site
14 inspections?

15 A Oh, no, I wanted them to see the full
16 Monty of what I had going on.

17 Q Did you or any of your staff have
18 conversations with students and their families
19 in advance of the United States site
20 inspections?

21 A I did not and I'm not aware of any of
22 my staffing having those conversations.

23 Q Were any students invited or requested
24 to stay home on the date that the site
25 inspections occurred?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
334

1 A No, ma'am.

2 Q Did you or anyone on your staff have
3 conversations with anyone representing the State
4 Department of Education about the site visits
5 before they occurred?

6 A No.

7 Q Did you or anyone on your staff have
8 conversations with anyone representing the State
9 Department of Education about the site
10 inspections after they occurred?

11 A No.

12 Q And then relatedly, did you have any
13 conversations with any state personnel who may
14 have been in attendance during those site
15 inspections?

16 A During the site inspection or?

17 Q Yes.

18 A No. I mean, I was tied up with the
19 experts. I -- you know, I talked with her.

20 Q And then relatedly, did you have any
21 conversations with any of the state personnel
22 who were present -- so not the attorneys -- but
23 if there were any state officials who were
24 present after the site inspections occurred?

25 A No.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
335

1 Q Does Coastal Academy have a policy on
2 the use of restraint and seclusion?

3 A We do.

4 Q And is that policy the same for all of
5 your facilities?

6 A Yes.

7 Q Does your GNETS program allow for the
8 use of restraints on students?

9 A It's the last resort and must meet the
10 criteria set aside in the policies, but we do
11 use it.

12 Q Okay. Who sets the criteria in the
13 policies?

14 A That -- that physical restraint policy,
15 I think -- I don't know if I submitted it or not
16 -- but our physical restraint policy was
17 actually written after the state board rule came
18 out and provided guidance on writing the
19 document. And it was written, actually, by I
20 believe Jeannie Morris and the previous GNETS
21 director, and we have since modified it a little
22 bit changing the timeframe, the restraints, and
23 stuff like that but -- and then it's voted on by
24 the Board of Controls.

25 So we got guidance from DOE, from state

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
336

1 board rule, and -- but all districts received
2 the same guidance and we developed a policy and
3 Board of Control approved it through the Board
4 of Control.

5 Q And then relatedly, do you have any
6 policies specific to use of seclusion?

7 A No. Just that we don't do it and
8 that's included in the physical restraint
9 seclusion policy.

10 Q Do you have timeout rooms?

11 A Nope.

12 Q Do you have deescalation rooms?

13 A Nope.

14 Q Are your staff trained in deescalation
15 techniques?

16 A Yes, annually.

17 Q Who provides that training?

18 A I have four. I have four mindset
19 trainers on staff that provide that trainer --
20 training and then LSCI trade off. We do a lot
21 of professional learning throughout the school
22 year on just regulating and draining off because
23 it's the drain-off that gets you in trouble. If
24 you dont do it right, somebody may end up in a
25 restraint.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
337

1 Q Do all staff receive the mindset -- the
2 mindset --

3 A Yes.

4 Q -- training?

5 A Yes, ma'am.

6 Q Does your program monitor the use of
7 restraint and seclusion?

8 A Yes, ma'am.

9 Q Who tracks that data?

10 A I do. The coordinators, they enter it
11 into our -- they complete a physical -- you
12 know, there's a physical restraint form
13 documentation that goes home to the parent or
14 guardian within 24 hours and then we do -- if
15 there's a physical restraint, there's also --
16 the mindset trainer completes physical restraint
17 feedback form to staff, or all physical
18 restraints, and then that data is -- that --
19 those forms are submitted immediately to me and
20 that data is entered in the handbook, and then I
21 track it annually.

22 Q Okay. And for the past school year,
23 the '21 to '22 school year, roughly how many
24 instances of physical restraint were documented?

25 A Six.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
338

1 Q Okay. And how did that compare to
2 prior school years?

3 A Our restraints have continuously gone
4 down since, I would say, 2018, '19 when we
5 implemented trauma-informed care. That first
6 year we had a 65 percent drop in restraints.

7 Q And I know you said that your program
8 doesn't use seclusion.

9 Did you report any uses of seclusion
10 last school year?

11 A No.

12 Q And have you reported any uses of
13 seclusion in the last five school year --

14 A No, ma'am.

15 Q -- I'm sorry, last five school years?

16 A No, ma'am.

17 Q Just a couple quick questions.

18 Do your students have -- does Coastal
19 Academy offer all courses at the secondary level
20 that are required for graduation?

21 A Yes, but we offer it through E2020, an
22 online curriculum.

23 Q Okay. And is E2020 n online curriculum
24 through the state or is that something that
25 you-all independently have access for your

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
339

1 students?

2 A We independently purchase it, but it's
3 the same online curriculum that my LEAs use as
4 well, online software. So I purchase the same
5 thing that they use. And so they're Georgia
6 standards based and Georgia courses with Georgia
7 course numbers.

8 Q What's the portion of the school day
9 for your secondary students is online compared
10 to in-person direct instruction?

11 A So, I mean, I would say that it
12 actually is probably -- I mean, I think it's
13 50/50. And the reason I'm saying 50/50 is
14 because, you know, our students -- you know, the
15 program's hard and I had -- I'm actually the one
16 that modifies it and puts in the accommodations
17 and supports, you know, because you can actually
18 program those in for each student.

19 And I modify it and -- not modify it,
20 but accommodate those accommodations and modify
21 it if based off if they need it as much as
22 possible. And -- that I can, and they still --
23 I mean, it's just difficult, you know. These
24 kids area in special education and they need
25 additional assistance.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
340

1 So typically, each class, each subject,
2 you know, there's direct instruction involved,
3 and it may be one-on-one direct instruction, it
4 may be two-to-one direct instruction, but, you
5 know, and oftentimes I've gone in and they're
6 actually projecting -- you know, even though
7 there's maybe six kids in there with three
8 different classes going on, they're projecting,
9 you know, ELA, tenth grade Lit here, the -- you
10 know, the presentation or whatever, you know,
11 and working with them. So it's, I'm going to
12 say, 50/50.

13 Most of the electives and stuff that's
14 fun, they grasp onto that and do it, but the
15 harder stuff, you know, is -- so it's a blended
16 model.

17 Q Okay. And is that true in elementary
18 as well or is it more online or more --

19 A No, elementary's direct instruction.
20 It's not online.

21 Q Okay.

22 A I mean, it's all direct instruction,
23 it's not online.

24 And then middle is actually a blended
25 model as well with E2020 and face-to-face.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
341

1 MS. HAMILTON: Patrick, just a
2 quick time check.

3 I'm assuming we're nearing the
4 end; is that correct?

5 THE VIDEOGRAPHER: Correct, as of
6 right now.

7 MS. HAMILTON: Okay. All right.
8 Great. Well, thank you very much,
9 Ms. Futch. We really appreciate your
10 time.

11 THE WITNESS: Thank you.

12 MR. NGUYEN: Any other questions?

13 MS. JOHNSON: I have a few
14 questions on behalf of the state if
15 Andrea is finished.

16 MS. HAMILTON: Yes, I am finished.
17 Thank you.

18 CROSS-EXAMINATION

19 BY MS. JOHNSON:

20 Q Hi, Ms. Futch. My name is Melanie
21 Johnson and I represent the State of Georgia in
22 this matter.

23 A Uh-huh.

24 Q We were very close to being done. I
25 just have a few more questions for you and I do

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
342

1 want to say that we appreciate your time today.

2 A Sure.

3 Q Ms. Futch, who is your employer?

4 A First District RESA.

5 Q Okay. And is it also First District
6 RESA who hired you?

7 A Yes.

8 Q Do you receive a performance
9 evaluation?

10 A Yes. Well, I haven't received one in a
11 few -- well, I haven't received one probably in
12 six years, five or six years.

13 Q Okay. You've previously received them,
14 though?

15 A Yes.

16 Q I'm sorry, go ahead.

17 A Yes, ma'am, I did.

18 Q Who conducted those performance
19 evaluations?

20 A The executive director of RESA.

21 Q Okay. And what about your staff, do
22 they receive performance evaluations?

23 A Yes.

24 Q And who conducts those?

25 A It's a mixture of the coordinator and

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
343

1 myself, you know, I do some of the teachers, he
2 does some of the teachers to try to help out.
3 And I do his, you know, so it's -- and we use
4 TKES and LKES.

5 Q Okay. And for the benefit of the court
6 reporter, I don't think we've defined what TKES
7 and LKES is yet, so can you explain that
8 acronym?

9 A Yes. TKES teacher keys evaluation
10 system, and LKES is leadership keys evaluation
11 system.

12 Q Okay. Thank you. And does the State
13 of Georgia or an employee of the state conduct
14 any performance evaluations of you or your
15 staff?

16 A No.

17 Q Okay. And regarding your program's
18 personnel decisions, does the state participate
19 in those at all?

20 A No.

21 Q Okay. And I just want to go back to a
22 few pieces of your earlier testimony today.

23 Earlier we discussed how your program
24 had served Camden County up until this year.

25 A Yes.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
344

1 Q And who made the decision to close that
2 location?

3 A I did in -- you know -- you know, in
4 talking with the executive director, but
5 ultimately, it was my recommendation to the
6 executive director of RESA.

7 Q Okay. Did you need any other approvals
8 or authorizations to close that location?

9 A No.

10 Q Okay. And we also just briefly
11 discussed transportation, and I believe you
12 testified that the school systems provide
13 transportation for GNETS students; is that
14 right?

15 A That is correct.

16 Q And I'm trying to get a sense of what
17 all is included within that term, "provides
18 transportation."

19 A Uh-huh.

20 Q So, for example, does that include
21 scheduling?

22 A Who schedules the transportation?

23 Q Right.

24 A For the -- oh, yes, because I -- yeah.
25 I -- yeah, they schedule the routes. You mean

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
345

1 like times for them to be picked up and stuff
2 like that?

3 Q Yeah.

4 A Because once the -- the decision is
5 made for the student to receive services with
6 us, then that LEA puts the transportation
7 request into their transportation department and
8 they do that and they need to reach out to the
9 parents to let them know the pick-up times and
10 stuff.

11 Q Okay. Does that include funding the
12 transportation as well?

13 A Yes. They fund all transportation
14 costs.

15 Q Okay. We also discussed an earlier
16 memo that you wrote proposing GNETS transition
17 classes in an LEA setting.

18 A Uh-huh.

19 Q Do you recall that?

20 A Yes.

21 Q And the memo was directed to the Glynn
22 County superintendent and the Glynn County Board
23 of Education; is that correct?

24 A I think it was just directed to the
25 superintendent, was it not?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
346

1 Q I represent to you that it was to both,
2 but we can go back and look at --

3 A Yeah, let's go back and look and make
4 sure, please.

5 Q Sure.

6 A Because I don't recall, but I want to
7 make sure.

8 I don't typically send things to the
9 Board of Education over the superintendent. I'm
10 pretty, you know...

11 Q And, I'm sorry, not the State Board of
12 Education --

13 A No.

14 Q -- but the Glynn County Board of
15 Education.

16 A I don't typically go over the
17 superintendent's head, but double check to make
18 sure.

19 Q Sure. Can we pull that exhibit up
20 again?

21 MS. HAMILTON: Sure. Give me one
22 moment. Okay. I'm going to share my
23 screen.

24 This is -- I do not have the
25 exhibit number, but I am pulling up the

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
347

1 documents.

2 MS. JOHNSON: Thank you. I
3 appreciate that.

4 MS. HAMILTON: And just scrolling
5 through here is the cover e-mail.

6 THE WITNESS: Yeah. Okay. So the
7 proposal was addressed to both mr --
8 Howard Mann, the superintendent Glynn
9 County Schools, and the Glynn County
10 Board of Education, but the -- that
11 e-mail, it was sent to Nakeba Rame,
12 herself, that's it, to get feedback and
13 the e-mail that I followed up with was
14 only sent to Mr. Mann.

15 BY MS. JOHNSON:

16 Q Okay. Thank you for that.

17 And why did you direct your memo to the
18 superintendent and to the board of education,
19 the Glynn County Board of Education?

20 A Because Georgia is a local control
21 state and I'm assuming that's probably the
22 answer you're looking for, and that the
23 superintendent and the board of education, they
24 make decisions on how their students are best
25 served.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
348

1 Q Thank you. And we also talked about
2 teacher credentialing.

3 I believe you mentioned that you have
4 three provisionally certified teachers?

5 A Yes.

6 Q And what is provisional certification?

7 A Okay. So provisional certification is
8 the Georgia Professional Standards Commissions
9 basically is an alternative route to
10 certification to allow an adult to -- or with
11 certain qualifications, to begin teaching while
12 working to complete their full clear renewal
13 certification.

14 So like July 1st, the provisional PSC
15 actually changed and adopted new rules and
16 standards for that, and my guess is it was in --
17 due to staffing shortage because all systems
18 were having to do it.

19 So basically it requires that the
20 candidate have a four-year degree or higher and
21 be hired by a school system, and, of course,
22 takes the Ethics 360 course as well, and then
23 the school system recommends to the PSC or
24 applies or recommends, you know, application for
25 provisional.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
349

1 And that's issued for one year, and
2 within that year, that candidate has to get
3 enrolled in a teaching education program or
4 Georgia -- program of some sort and then provide
5 that documentation to PSC, and then that -- the
6 PSC issues or extends that provisional
7 certificate for an additional two years.

8 Q Okay. And who makes the decision as to
9 whether provisionally certified teachers can be
10 hired within your program?

11 A Well, ultimately, the Board of Control,
12 but I make the recommendation to the executive
13 director of RESA and he makes it to the Board of
14 Control.

15 Q Okay. And would you agree that the use
16 of provisional -- provisionally certified
17 teachers provides more flexibility in terms of
18 staffing and addressing staffing shortages?

19 A Absolutely.

20 Q Okay. And I've got just a couple more
21 questions.

22 Going back to IEP teams and placement
23 in GNETS.

24 To your knowledge, has there ever been
25 a state representative on an IEP team?

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
350

1 A Yes.

2 Q Okay. How many instances would you say
3 that that occurred?

4 A One time.

5 Q One time?

6 A Uh-huh.

7 Q And was that while you were the
8 director -- director in your current capacity?

9 A Yes.

10 Q Okay. Do you know who the state member
11 was?

12 A Zelfhine Dixon when she was in her role
13 as director, state director of special
14 education.

15 Q Okay. And other than that instance,
16 are you aware of any other instances in which
17 the state participated in an IEP team decision?

18 A No.

19 Q Okay. And has the state ever
20 encouraged you to make a placement decision
21 contrary to the IEP team's recommendation?

22 A No.

23 Q Okay. And lastly, we discussed a few
24 documents, they were the Coordination of
25 Services Flow Chart, the Request For GNETS

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
351

1 Consultation, the Confidential Student
2 Information Packet, and The Guiding Questions
3 For Consideration of Services.

4 A Yes.

5 Q And I believe you testified that you
6 were told to use these documents by the Georgia
7 Department of Education; is that right?

8 A We were -- again, the committee was set
9 up as -- also that strategic plan, developed
10 those documents.

11 They were provided to us from Pat Wolf,
12 who was a GNETS director at one of the GNETS
13 directors meetings to discuss with draft
14 written, and then they were sent to us via
15 e-mail from the DOE.

16 And so I -- and honestly, I did testify
17 that I was told and so -- and, again, I recall
18 them saying we -- you know, all -- you know,
19 them being discussion taking place at that
20 particular GNETS directors meeting among the
21 directors and DOE and us making a
22 recommendation, you know, that we were -- and,
23 you know, DOE, you know, to use these moving
24 forward.

25 And then we did and that e-mail came

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
352

1 from DOE to do so -- I mean, to -- with these
2 documents attached.

3 Q Okay. Do you understand it to be a
4 requirement from DOE to use the documents?

5 A Yes. I felt like it was a requirement.
6 I do understand it that way.

7 Q Okay. And is there any written policy
8 or anything other than the e-mail that you
9 referenced in support of it being a requirement?

10 A No. I think the language in the
11 strategic plan is something along the side,
12 having uniformity, documents or whatever, but I
13 don't know of anything else, no.

14 Q Okay.

15 A Well, we did have a Microsoft -- yeah.
16 The DOE had set up, during that time, like a one
17 book or one notebook, Microsoft something or
18 another, I can't remember. We all had access to
19 it. It was called the GNETS Director's Notebook
20 and those documents were in there, you know, the
21 documents that, you know, GNETS resources and --
22 but those documents were in there listed as, you
23 know, consideration of services, documents,
24 forms, or whatever how they were saved, they
25 were, you know, in there -- that notebook. I

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
353

1 don't know if I -- I may still actually have
2 access, but I don't know.

3 But anyway, it was -- that was, I
4 think, set up -- I don't know who set that up,
5 but we all had, you know, access, so...

6 Q Okay. Thank you. And the last topic
7 that we talked about was the restraint policy.

8 A Yes.

9 Q And I believe you said you submitted
10 that to the RESA for approval; is that right?

11 A Yes. It went to -- once that was
12 written, it was -- it goes to the executive
13 director of RESA and then he presents it to the
14 Board of Control to approve, yes.

15 Q Did you submit it to the state for
16 approval?

17 A No. But I do upload it every year with
18 my grant application.

19 Q Okay. Okay.

20 MS. JOHNSON: That takes care of
21 all of my questions, Ms. Futch. I
22 really appreciate your time.

23 THE WITNESS: Okay.

24 MS. HAMILTON: And I just want to
25 note one more thing for the record.

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
354

1 When Melanie Johnson was asking
2 questions of Ms. Futch and had asked,
3 and I think there was a discussion
4 about having me pull-up a document, I
5 did just want to note for the record
6 that that was Exhibit 547.

7 MS. JOHNSON: Thank you.

8 THE VIDEOGRAPHER: Okay. Any more
9 questions?

10 MS. JOHNSON: Not from me.

11 MS. HAMILTON: None from the
12 United States.

13 MS. JOHNSON: None from the State.

14 THE VIDEOGRAPHER: Okay.

15 Quickly then before we go off the
16 record, just looking to confirm orders.

17 The Plaintiff would like their
18 standard order, correct, Ms. Hamilton?

19 MS. HAMILTON: Yes, that is
20 correct.

21 THE VIDEOGRAPHER: And State of
22 Georgia would like a transcript only,
23 correct, Ms. Johnson?

24 MS. JOHNSON: That's correct.

25 THE VIDEOGRAPHER: And any other

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
355

1 orders?

2 MR. NGUYEN: No, but the witness
3 will read and sign, please.

4 THE VIDEOGRAPHER: Okay.

5 MADAM COURT REPORTER: I need to
6 ask, do you want that sent to you to
7 get to the witness?

8 MR. NGUYEN: No. If you'll send it
9 to me, I'll be happy to forward. You
10 guys have been sending an electronic
11 link and I'll just forward -- I've been
12 forwarding that link to the witness.

13 MADAM COURT REPORTER: And you do
14 not order a copy?

15 MR. NGUYEN: I do not need a copy,
16 that's correct.

17 MADAM COURT REPORTER: Okay.

18 THE VIDEOGRAPHER: Okay. If
19 there's nothing else for the record,
20 we'll now go off the record at
21 5:14 p.m.

22 (RESERVED SIGNATURE.)

23 (Whereupon, the remote
24 videotaped deposition of
25 Lisa Futch was concluded at

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
356

1 approximately 5:14 p.m.)
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LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
357

ESQUIRE J8733924

C E R T I F I C A T E

STATE OF GEORGIA:

CHATHAM COUNTY:

I, Kyle J. Saniga, Court Reporter
and Notary Public in and for the above county
and state, do hereby certify that the foregoing
testimony was taken before me at the time and
place herein-before set forth; that the witness
was by me first duly sworn to testify to the
truth, the whole truth, and nothing but the
truth, that thereupon the foregoing testimony
was later reduced by computer transcription; and
I certify that this is a true and correct
transcript of my stenographic notes so taken.
I further certify that I am not of counsel to
either party, nor interested in the event of
this cause.



Kyle J. Saniga, CCR

Notary Public, B-2038

Savannah, Georgia

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
358

D I S C L O S U R E

STATE OF GEORGIA DEPOSITION OF:

COUNTY OF CHATHAM LISA FUTCH

JOB: J8733924 DATE: 10/25/22

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as an Independent Contractor for Coastal Court Reporting/Esquire Legal Services, Inc.

Esquire Legal Services, Inc., was contacted by U.S. DEPARTMENT OF JUSTICE, to provide court reporting services for this deposition. The firm will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

Esquire Legal Services, Inc., has an agreement to provide reporting services with U.S. DEPARTMENT OF JUSTICE, the terms of which are as follows: Any and all special rates and/or services are available to all parties involved in this litigation.

Date: October 25, 2022
Kyle J. Saniga, CCR, B-2038

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
359

ERRATA SHEET

ESQUIRE JOB: J8733924

CAPTION: UNITED STATES OF AMERICA V.
STATE OF GEORGIA

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript
of my Deposition taken in the
above-captioned matter or the same
has been read to me and the same is
true and accurate, save and except for
changes and/or corrections, if any, as
indicated by me on the
DEPOSITION ESQUIRE ERRATA SHEET hereof,
with the understanding that I offer
these changes as if still
under oath. Signed on the _____ day of
_____, 2022.

LISA FUTCH

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
360

DEPOSITION ERRATA SHEET

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SIGNATURE: _____ DATE: _____

LISA FUTCH



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LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
361

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change: _____

Page No. _____ Line No. _____ Change to: _____

SIGNATURE: _____ DATE: _____

LISA FUTCH

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: \$300,000..10:30

Exhibits	15,16,17, 21	12,13,17	4,5,10	(d)
		8733924 Lis	310:25	6:3
		a.	315:1	
		Marie Futch	317:15	0
8733924 Lis	8733924 Lis	PLAINTIFF.	8733924 Lis	
a.	a.	EXHIBIT551	a.	000002
Marie Futch	Marie Futch	222:21,	Marie Futch	139:3
PLAINTIFF.	PLAINTIFF.	22,23	PLAINTIFF.	000016
EXHIBIT539	EXHIBIT545	223:2	EXHIBIT557	151:2
10:14,15,	162:6,7,	261:3	313:4,5,6	
22	8,12			000022
8733924 Lis	8733924 Lis	8733924 Lis	8733924 Lis	162:17
a.	a.	a.	a.	000250
Marie Futch	Marie Futch	Marie Futch	Marie Futch	223:8
PLAINTIFF.	PLAINTIFF.	PLAINTIFF.	PLAINTIFF.	002999
EXHIBIT540	EXHIBIT546	EXHIBIT552	EXHIBIT558	309:17
178:12,	178:12,	241:19,	316:6,7,8	003008
18:24,25	13,14,18	20,21		326:1
19:1,5	8733924 Lis	8733924 Lis	8733924 Lis	003010
8733924 Lis	a.	a.	a.	218:25
a.	Marie Futch	Marie Futch	Marie Futch	003043
Marie Futch	PLAINTIFF.	PLAINTIFF.	PLAINTIFF.	89:23
PLAINTIFF.	EXHIBIT547	EXHIBIT553	EXHIBIT559	022997
EXHIBIT541	182:10,	246:1,2,	325:8,9,	313:16
88:18,19,	11,12,16	3,7	10,14	
20,21,25	354:6			1
8733924 Lis	8733924 Lis	8733924 Lis	\$	
a.	a.	a.		
Marie Futch	Marie Futch	Marie Futch	\$300,000	
PLAINTIFF.	PLAINTIFF.	PLAINTIFF.	306:21	
EXHIBIT542	EXHIBIT548	EXHIBIT554	\$47,500	
120:6,7,	198:17,	249:2,3,	255:17	1
8,12	18,19,23	4,8		27:8,18
8733924 Lis	8733924 Lis	8733924 Lis	\$5	240:10
a.	a.	a.	307:23	289:18
Marie Futch	Marie Futch	Marie Futch		1,000
PLAINTIFF.	PLAINTIFF.	PLAINTIFF.	(23:5
EXHIBIT543	EXHIBIT549	EXHIBIT555		100
138:11,	214:7,8,	252:10,		59:6
12,13,17	9,13	11,12,16	(a)	172:17
8733924 Lis	8733924 Lis	8733924 Lis	6:4	193:2
a.	a.	a.	(b)	196:2
Marie Futch	Marie Futch	Marie Futch	6:4	259:23
PLAINTIFF.	PLAINTIFF.	PLAINTIFF.	(c)	318:16
EXHIBIT544	EXHIBIT550	EXHIBIT556	6:3	10:30
150:14,	218:11,	309:2,3,		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

Index: 10:33..22

171:6,9	241:25	177:17,18	2015	225:15
10:33	15th	202:22	13:15	264:15
77:13	262:13	203:6,7	83:21	265:19
10:40	16	250:18	100:9	268:5,11,
77:17	280:25	251:2	2016	22
11	281:9,18	284:16	13:18	2022
281:9	17	287:8	2017	6:7
11:30	206:7	290:25	33:13	223:6,16
170:7,11,	180	291:18,19	178:19	246:7
16,19,23	204:9,11	118:19	182:17,22	261:23
171:11	19	195:25	192:24	330:23
12	230:7	262:1	198:25	20th
146:15	338:4	292:4	206:8	246:7,19
165:18	1993	2000	2018	21
214:14	53:6	21:10	22:23	90:2
281:9	1999	51:24	193:4	116:4
298:20	52:24	52:14,25	195:20,23	120:13
12:33	53:7	73:25	196:1,3	139:21
167:3	1:00	206:7	214:14	140:17
12th	196:16	2002	215:9	141:20
215:9	1:02	21:4,22	242:2,17	144:18
13	167:7	2004	249:9	147:5,8
281:9	1:16-CV-	20:10	338:4	159:5
13th	03088-ELR	21:22	2019	223:24
178:19	6:13	49:16	33:13	224:1
242:17	1:23	51:24	120:13	225:7
14	183:6	2006	2020	262:2,8,
281:9	1:25	22:6 37:3	116:4	15 269:6
14th	183:10	49:16	225:7,14	295:20
65:16	1st	2007	246:19	337:23
198:24	102:12	20:13	252:17	21-'22
15	348:14	2010	262:1	139:17
58:18	2	27:18,19	269:6	140:18
132:14		37:3	2021	146:10
145:20,24		2011	138:22	159:6
168:3		27:8,19,	139:24	269:7
281:9		20	140:8	271:15
15-14-37	66:13,20	2012	141:10	22
6:3	68:14	13:10	146:14	138:22
152	69:5	2014	150:22	150:22
	70:20	100:9	153:7	162:13
			162:13	224:4
			163:6	226:24
			224:3	235:5,10,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

Index: 22.5..557

14, 15, 17,	2:41	35	153:6, 17	544
20 261:5	237:1	167:23	155:11	150:15,
268:22	2nd	360	160:3	17, 21
337:23	330:21	348:22	330:21	545
22.5		3734		162:6, 8,
144:24	3	196:25	5	12
22nd		39		546
146:12	3	163:13	5	178:12,
23	56:7	3:53	146:11	14, 18
146:11	139:4	294:14	210:8	547
227:23	206:17,	3:57	50	182:10,
24	18, 19	294:18	213:25	12, 16
16:8	251:2		299:20	354:6
23:21	284:25		50-question	548
24:9	291:15,	4	24:12	198:17,
107:16	17, 18		50/50	19, 23
115:7	292:12	4	321:19	549
314:18	30	29:25	339:13	214:7, 9,
337:14	14:19	33:2	340:12	13
25	36:4	36:11	504	550
70:13	116:16, 24	146:15	27:25	218:11,
101:5	118:19	208:9	28:21	13, 17
25th	144:17	210:5	52	551
6:7	272:6	40	153:5, 16	222:21, 23
146:11	292:4	167:23	154:17	223:2
26	30-minute	40,000	539	261:3
192:24	132:24	105:16	10:10, 15,	552
26th	30th	45	22	241:19, 21
182:22	27:18	298:17	540	553
252:17	182:17	45-day	18:24	246:1, 3, 7
27	224:16	158:24	19:1, 5	554
163:6	249:9	47, 5	541	249:2, 4, 8
27th	262:12	255:11	88:18, 19,	555
165:17	31st	256:15	21, 25	252:10,
28	139:21, 24	271:24	542	12, 16
261:10	140:8	306:21	120:6, 8,	556
2900	141:10	4:39	12	309:3, 5,
197:2	142:4	330:4	543	10 310:25
2:35	144:18	4:45	138:11,	315:1
236:22	146:14	330:8	13, 17	317:15
	147:13	4th		557
	34			
	226:15, 18			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: 558..account

313:4,6,9		6:8 9:24	210:7	229:20
558	8	77:13,17	320:8	237:7
316:6,8		ABA	academics	238:8
559	8	75:2	40:15,17	256:15
325:8,10,	218:22	296:7	44:6	263:19
14	224:21	abbreviatio	133:10,11	282:17
5:14	226:16	n	179:12	284:21
355:21	80	30:7	208:10	309:17
356:1	136:2	abbreviatio	211:1	313:15
	272:6	ns	283:19	316:13
		148:1	academy	325:25
6	9	ABC	27:1,9,11	335:1
		111:3	35:18	338:19
6	9	absolutely	61:20	Academy's
19:20	33:2	41:13	63:23	223:4
21:18	36:11	58:7	65:19	access
24:17	9-11-28	108:18	81:24	58:15
211:25	6:2	130:22	82:2	62:17
60	90	140:10	89:23	132:16
237:10	172:3	148:25	91:4	148:13
65	174:15	210:24	113:1	152:3
153:5,15	240:7	239:24	115:7,11	185:3,8
154:21	247:8	260:19	118:6,12,	203:11
338:6	298:15	271:2	24,25	204:7
65,000	95	276:17	124:23	205:22
272:4	240:7	284:4	126:10,12	206:1
	96	293:1,21,	128:25	207:18
	26:24	23 294:2	130:3	233:9,10,
7	98	297:25	134:9,10,	13 283:17
316:14	242:7	305:20	12,13	303:23
325:18	9:03	326:20	135:3	338:25
70,000	6:8	349:19	136:16	352:18
256:14	9:07	absorbant	138:19	353:2,5
75	9:24	332:20	139:3	accommodate
172:5	9:09	absorbs	143:15,19	339:20
7th	10:3	55:6	149:25	accommodate
116:4	A	academic	151:2	d
	a.m.	29:17	162:17	156:16
		40:10	166:3,5,7	accommodati
		42:18	167:10,20	ons
		88:4	174:8,18	209:24
		131:25	184:3,19,	339:16,20
		208:22	20 197:7	account
			218:25	12:11
			223:7,15	
			228:9	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: accountability..agencies

138:1	action	added	184:9	adopted
accountabil	11:5	24:11	347:7	348:15
ity	122:20	134:8	addressing	adult
86:18	actions	190:7,19	85:5	44:22,23
91:23	55:21	244:9	123:23	296:11
accountable	active	291:18	125:12	348:10
86:20	25:24	adding	127:8	adults
accounted	100:7	71:6	349:18	44:12
178:1	286:19	281:7	adequate	277:13
226:7	activities	291:21	283:7	advance
accredited	75:6	addition	adequately	133:21
22:21	231:17,23	21:16	125:10	333:19
24:24	232:2	241:8	administrat	advantage
25:22	233:14	additional	ion	29:4
accurate	301:25	104:21,22	20:24	290:17
139:23	activity	117:8	51:3	299:8
146:22	246:22,24	205:12	administrat	300:20
159:10,18	actual	207:1	ive	adverse
160:1	23:12	221:22	15:1 28:5	53:25
165:12,16	29:25	243:19	52:19	affect
189:9	40:20	252:25	263:21	173:20
201:7	68:20	253:3,9	administrat	affiliated
210:8	99:3	257:18	ively	197:7
215:4	123:3	269:21	264:2	afford
224:4	164:2	271:23	administrat	256:7
266:10,11	254:20	279:4	or	afraid
267:3,5	279:2	296:2	315:14,16	114:3
270:23	306:1	306:6	admissions	277:6,7,8
275:12	ADA	339:25	53:3	307:13
327:11	14:1	349:7	admissions-	age
accurately	169:10,17	address	related	45:18
140:6	186:12	34:24	329:2	158:4
188:17	add	83:15,16	admitted	160:21
acronym	60:19	123:20	107:16	agencies
17:1,6,11	187:18,	126:12	adolescence	28:15
18:7,11	19,21	127:19	24:6	82:25
30:8,23	188:12	131:9,14,	adolescent	213:25
160:8	269:17	16 187:16	164:24	286:10
343:8	279:13	212:24,25	adolescents	301:7,17,
acronyms	300:5	213:13	45:4,5	20 303:3
16:21	add-on	251:12	73:9	306:12
29:8	20:6,11	addressed		308:17
	21:16	34:20		
		91:21		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: agency..application

agency	152:11	amiss	annotated	APEX
17:17,21	184:18	184:4	6:2	303:14,
307:8	204:16	amount	annual	17,18,23
agenda	257:25	254:10	178:6	304:8,17
103:12	323:13	255:17,22	239:13	305:1,5
agent	342:16	256:13,20	annually	307:7,19,
78:14,15,	aid	332:20	106:19,20	21,24
24 79:18	72:6,7,8,	amounts	108:9	apologize
80:13,15	22	257:6	336:16	12:3
81:3	Albany	amygdala	337:21	47:23
118:1	197:3	54:10	answering	264:14
119:1,9,	alert	55:5	8:17 9:6	269:17
18 240:10	119:3	analysis	answers	315:23
241:1	alerted	67:16	7:23	app
aggression	119:6	analyze	antecedent	28:13
158:22	allocated	202:12	31:12	223:23
agree	307:23	312:9,11	319:19	307:4
21:7 81:6	allocation	and-a-half	anticipated	apparently
95:4,7	240:11	236:5,6	154:16,	100:24
112:1	allowed	and/or	21,22	appeared
281:20	23:7	97:2	332:23	272:10
349:15	ALSEP	203:11	anticipatio	appears
agreed	67:1,5	Andrea	n	51:20,25
9:16	alternate	6:25 7:15	333:7,13	144:23
94:25	73:19	62:7	anxiety	178:19
163:21	alternative	341:15	158:8	179:1
215:20	158:24	Andrew	277:17	201:13
agreeing	348:9	272:18,19	291:10	211:25
8:18	amazing	273:18	anybody's	214:14
agreement	59:5	Andy	329:16	268:10
79:2	285:17	61:23	anymore	273:22
220:22	Amber	62:3,7	72:3	274:16
221:1	242:3,18,	anecdotal	79:14	281:6
319:9	21 243:25	31:5	98:10	applicable
agreements	244:1,21	111:2	149:12	41:12
80:7	248:8	angry	165:8	55:23
ahead	America	82:11	259:13	application
19:12	6:11	220:6	274:10	108:8
46:15	American	Annex	302:23	223:4,16,
60:6	269:18	197:2	AP	20 226:11
114:1			37:8	239:11,
132:18				14,20
147:20				254:21
				261:6,23,

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: applied..attend

25 266:2	approve	308:6	326:14	assume
272:15	241:1	339:24		79:25
274:20	353:14		Assembly	
280:23		areas	100:12	assumed
307:3	approved	23:23		63:13
348:24	239:20	54:14,15,	assess	
353:18	257:4	16 74:25	220:14	assumes
	268:25	75:6,9	assessment	158:5
applied	336:3	85:19	30:25	assuming
34:1		87:25	44:3 67:1	102:24
40:25	approximate	91:20,25	91:2	341:3
61:20	135:23	92:2	319:17	347:21
205:15	approximate	122:19	assessments	assumption
268:18	ly	133:13,19	43:17	175:12
	14:18	172:20	68:6 94:1	
applies	23:21	206:21		assurance
348:24	136:1		assigned	79:2 80:7
apply	298:4,18	argue	135:11	assurances
39:12	356:1	320:3,9,	242:25	79:11,17
41:19,21		25		80:4,6,
42:3	ARC		assist	12,14
61:21	193:22	arguing	50:16	81:2,4
112:25		67:17	56:1	
249:12	area	arise	312:9,12	asterisk
250:9	20:3,4,18	123:21		166:2,9
252:5	23:25		assistance	
277:8	24:7 34:8	Army	98:19	at-risk
	42:22	137:8	99:5	106:3
applying	57:3	172:14	113:8,14	
55:16	67:13		194:21	Atlanta
	73:8	aromatherap	197:12	308:8
appointment	75:2,3,4,	y	339:25	attached
171:1,4,9	11 84:22,	243:11		80:7,13
	23 87:6		assistant	182:21
approach	93:18	arrange	15:1 28:5	183:22,23
185:21	94:20	303:13	52:19	199:18
230:25	97:15,16	arranged	assistants	352:2
	117:23	303:7	238:6	
appropriate	126:4	arrive	252:3	attachment
ly	127:8	168:19,21		120:19
241:13	130:24	169:5,12	assisted	199:3
approval	132:10	171:4,6,9	51:8	214:18
115:22	181:13		assists	246:12
194:4	198:4	asks	267:12	
240:24	208:4	224:5		attempt
353:10,16	285:25	289:12	associate	184:7
	295:7		53:3	
approvals	297:16	aspect		attend
344:7		106:6	Associates	62:19
		213:19	302:9,21	99:18

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: attendance..barriers

111:10	attract	average	166:13	325:1
169:20	278:15	116:17	167:6	326:23
attendance	280:9	171:25	171:7	330:7
107:19,21	attracted	176:9	174:21,	343:21
169:19,22	34:20	avoid	24,25	346:2,3
171:15,	attribute	9:4	175:3,11,	349:22
16,22,25	172:7	aware	18,20,21	background
172:2,4,	audio	12:24	177:16	26:18
8,18	309:20	87:21	179:9	41:1
173:20,	August	96:5	180:5	125:4
23,25	51:24	100:11	181:19	backpack
174:3	139:5,21,	102:3,5,	183:9,13,	289:24
334:14	24 140:8	8,10	17 190:12	backup
attended	141:10	116:3	192:1	173:15
32:5	142:4	205:20	198:13	bad
74:1,14	144:18	249:18	200:23	125:8
88:11	146:14	333:21	202:11	129:6
166:15	147:13	350:16	211:7	158:9
189:25	153:6,17	awareness	217:21	159:17
289:13	155:11	230:10	218:4	196:1
attending	160:3		221:4	288:4,5
28:19	163:6,22	B	231:7	
37:12	165:17		232:16	
166:17	196:10	back	235:9	Baker
167:10	295:19	10:2 29:7	236:25	61:13,14,
322:17	AUT	32:17	244:5	19,23
attends	148:2	39:15	245:12	Baker's
290:19	authorizati	64:13	255:9	71:3
attention	ons	69:6,11	259:6	balance
243:6	344:8	77:16	260:24	177:25
attorney	autism	85:1	265:8,9	ball
8:12	70:8	101:4	268:8	233:24
11:15	74:3,8,19	105:16	269:17	333:10
14:9,12,	75:23	109:19	275:23	barely
13 240:8	148:2	110:3	280:23	209:12
331:3,16,	169:9	113:24	283:14	barrier
20,21	247:1	114:17	288:25	128:21
attorney-	autistic	117:12,17	290:3	barriers
client	74:2	119:24	294:17	34:22
331:14	automatical	135:10	295:15	125:12
attorneys	ly	141:7	297:21	127:9,13,
334:22	95:7	143:8	304:1	15,17
		163:21	310:20	128:22
		164:2	312:8	172:10
			315:1	
			317:14	
			321:1,24	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: base..BIPS

213:12	100:25	begin	184:16	beneficial
283:18	106:23	58:23	187:12	103:16
299:6	124:9	189:3	202:15	287:6
base	173:12	348:11	207:12,14	288:25
137:8,11	179:5	beginning	208:23	benefit
191:24	181:8	58:8 72:4	211:10	208:1
	187:18	85:13	212:4,25	291:12
based	212:11	88:5 91:1	272:10	343:5
18:2,4	215:18	95:11	273:14	
31:11,12	251:24	140:18	283:19	benefits
35:12	253:5	184:14	296:13	240:6
61:1 95:3	257:1	199:22	312:12	benefitted
117:17	265:4	242:16	319:15,	195:5
135:13,	268:3	243:8	16,17	
18,19	285:8	275:1,25	320:6,8	big
227:8	297:24	290:4	326:11,	16:16
237:11	321:9	292:16	16,25	123:15
243:20	348:9,19			127:1
246:9		begins	behavior-	158:17
254:12	basis	6:9	related	166:14
266:1	148:10	174:10,20	186:15	307:15
289:1	168:20	251:7	behavioral	328:21
307:2	169:15		17:8	bigger
339:6,21	178:6	behalf	18:9,13,	113:13
	292:25	7:5 97:13	18 29:17	119:17
baseline		341:14	30:25	147:2
258:18	Bate		45:2,4	152:13
	120:20	behavior	67:16	264:3
basic		28:25	68:6	272:5
115:5	Bates	31:5,7,	210:9,20	306:22
	178:23	10,11,14	211:5	
basically	182:25	37:23	212:12	billing
25:7	199:4	39:1,23	251:13	28:4
29:16	214:19	44:1 45:6	289:19	bills
30:17	223:7	46:3,8		78:21
34:2,9	242:4	47:9 50:6	behaviors	238:9
50:11	246:12	51:9	50:6	
53:20,21	249:14	67:10,18,	161:2,7,	binder
54:25	252:19	24 69:8	10,14	76:3
56:4,13		74:17	200:21	
66:6,20,	Baxley	82:8	312:5	BIP
22 67:10,	118:15,16	108:25		28:12
17 72:9,	BBQUIP	110:16,25	belong	31:16,18
11 74:16	111:1,3	111:7	204:3,20,	64:16
78:16		124:25	21 205:11	109:6
81:17	BCBA	131:24	belonged	BIPS
87:19	76:15	172:23	278:8	64:25
93:13	273:1	179:13		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: bird..buildings

68:9	161:7	143:1	70:23	brought
bird	196:14	153:2	75:3	304:25
35:21	257:5, 8, 9	157:3	77:3, 5,	305:1
	260:6	166:1	10, 14	
birth	269:1	188:8	161:18	Bruce
54:3	335:17, 24	192:15	166:25	53:20
birthday	336:1, 3	266:9	167:4	58:25
146:12	345:22	boundaries	183:7	59:15
bit	346:9, 11,	75:11	236:1, 7,	Brunswick
	14		10, 17	96:21
23:19	347:10,	box	294:15	126:19
27:10	18, 19, 23	204:15	330:5	134:18
38:11	349:11, 13	215:24		173:9
115:3	353:14	Boy	breakdown	193:5
124:20		58:25	155:6	
136:24	Bogan	59:13	breaks	Bryan
140:13	270:20		8:13	115:14
189:1	271:1, 17,	boys	brevity	195:16
243:10	22	164:24	16:22	bucket
264:1	272:18, 19	brain		297:1
308:21	273:18	53:21	Brewton-	budget
320:25	290:11	54:4, 5,	parker	27:24
335:22	292:21	12, 15, 22	26:20	78:20
		55:1, 6	53:4	80:9
black	bold	70:25	Bridge	100:20
70:7	76:19, 21,	71:1, 2, 7,	72:24	102:11
302:9, 20	22	8, 9, 10,		240:24
blah	book	13, 15, 23	briefly	242:24, 25
154:20	58:24	72:4	344:10	243:1
178:4, 5	59:2, 9,	75:24	bring	257:12
293:23	10, 13	160:14	15:19	307:22
	352:17	161:1, 4,	28:15	
blank	boom	12 243:22	97:24	budgeted
313:21	211:21	287:18	110:24	240:11
blended	boss	Branch	131:16	budgets
340:15, 24	14:22	156:4, 17	133:1	28:12
bless	15:3	157:1	bringing	building
109:22	63:11	265:9, 23	243:6	34:5 37:6
board	77:20	branches	broad	38:1 74:3
14:24	78:6	172:14	62:17	114:25
75:14	bothers	brand	broader	133:14
78:5, 7	306:23	197:4	40:13	197:2, 3, 5
79:4	bottom	break	brochure	238:7
105:8	53:23	8:11, 14,	292:16	buildings
112:8, 9,	55:4, 13	18 57:2		96:14
12, 20	140:21			197:19

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: built..category

built		66:25	172:16	Carolina
58:15	C	67:9	205:3,4	76:13
built-in		87:17	263:12	carpet
58:14	c	100:23	343:24	333:9
bullet	6:4	129:1	Cameron	Carter
46:1	C's	179:21	273:23	263:16,17
216:11	297:5	193:21	campus	265:6,24
Bulloch	C3	215:22	197:18	266:22
42:14,23	285:5	247:9,11	285:22	312:20
bunch	297:2,7,	248:6,13	288:8	case
74:3	23 301:8	254:5	candidate	6:12
132:6	CACREP	256:25	348:20	12:14
290:1	22:21	257:1	349:2	13:24
Burdette	cafeteria	285:5	capacity	38:25
156:21	72:21	315:3,20,	39:18	268:9
Burwell	129:11,12	23 352:19	44:10	321:18
322:18	CAG	calls	50:20	cases
bus	253:25	107:17	133:14	42:11
72:22	calendar	125:13	293:15	58:2
126:21	23:11	247:19	350:8	Cassandra
129:9	call	317:24	capture	180:15
167:20,25	47:7	calm	107:2	198:25
168:5,14,	78:10	54:22	captured	Cassie
16	79:23,24	calming	239:8	273:24
buses	101:17	54:19	care	catch
168:16	113:6	Camden	24:3	29:21
business	137:19	115:16,	34:16	292:6
119:20	196:15	18,24	55:25	catch-up
busy	197:1	116:14,	57:5 58:9	231:8
195:12	226:5,6	21,22	212:18	categories
buy	256:24	117:11,23	229:22,23	25:11
240:17,18	267:6	119:13	230:5,15,	categorize
244:3	291:5	16 123:7	16 243:9	241:14
245:14	297:7	125:20	285:5	categorizes
buying	322:25	134:20	287:13	75:24
241:12	323:10,15	135:2	297:4,5	category
247:12	324:3,9	138:1,19	301:8	160:1
buzzing	called	139:4,17,	338:5	165:21,23
257:24	35:10,11	20 142:2,	353:20	175:17,19
	52:5	14 144:16	cared	280:21
	54:12	145:7	113:21	284:16
	55:25	146:9,23	Carol	
	58:17	150:3,5	192:12	
		153:1,12		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: caused..chores

caused	135:1	301:10,11	121:16	287:4
278:5	central	chain	155:1	Chester
caveat	56:17	242:2,16	201:8	156:21
159:22	61:1	244:9	237:16	chewing
CBT	certificate	248:9	348:15	55:9
39:24	19:21	chair	changing	child
291:9	165:7	79:3	126:9	34:21
cc'd	265:5	181:15	127:16	44:25
244:22	349:7	chairs	305:17	45:11
CCHS	certificati	181:12	335:22	55:10
150:3	on	212:11	chart	66:4,9
Cedarwood	20:12	challenge	148:8,9	68:3,10
32:16	21:17,18	277:3	157:4	106:6
36:19	24:11,16,	challenges	166:2	111:14
37:2,10	17 61:15	299:2	309:12	132:11
39:13,19	73:21,23	chance	310:5,17,	160:23
61:18	76:23	198:6,7	24 311:1	161:13
62:5	279:23	295:12	314:22	179:12
63:3,11	280:1,3	321:6,20	315:2	283:18
118:14,	348:6,7,	chances	317:15	childhood
18,25	10,13	192:2	350:25	54:1
126:10	certificati	213:20	charter	children
128:3,5	ons	change	32:21	18:18,20
129:9,11	21:14	49:9	33:3,5,16	24:5
132:11	24:15,18,	79:15	charts	42:15
Cedarwood's	22 26:2	100:3,13	313:25	43:1
226:5	165:3	118:7	cheaper	44:11,21,
center	certified	123:5	271:6	22,23
39:25	22:25	151:5	check	53:25
52:4,8	48:9,13,	153:22	159:14	72:16
125:1,16	14,21	155:15	177:25	73:8
135:3,5,	61:11	200:24	205:9	164:20
10,14	65:24	232:20	268:10	277:23
190:15,25	156:18,22	changed	272:19	children's
191:24	279:18,	22:23	273:5	40:14
center-	20,21	86:16	295:23,24	277:25
based	348:4	87:3,13	326:18,19	CHIN
188:1	349:9,16	92:24	328:10	214:1
211:15	CFO	95:25	341:2	choose
232:4	243:4	100:2	346:17	24:7 67:6
centers	Chad	106:7	checked	chores
17:23	295:8,10,	112:12	268:18	288:22
134:24	12 297:14	115:18	checking	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: Chris..Coastal

Chris	142:18	classrooms	clinic	co-
61:23	145:9, 16,	142:19, 24	282:24	directors
62:2, 7	19 154:1	144:20	clinical	263:18
Christ	155:1	155:20	23:9, 14	coaching
62:3	156:5	187:21	39:5 44:2	312:2
	179:9	188:19	269:9	Coastal
Christmas	190:8, 12	189:10	271:18	27:1, 9, 11
240:20	191:20	289:24	close	32:21
301:25	202:16	cleaned	30:21	33:5
chronic	217:1	333:10	38:13	35:17
168:22	226:2, 25	clear	69:19	61:20
chronologic	229:18	47:25	145:8	63:23
al	259:11	145:23	173:13	65:19
45:17	260:9	280:2	251:12	81:24
CIE	288:25	327:12	341:24	82:2
149:25	340:1	348:12	344:1, 8	89:23
classes	classes	Clearinghou	closed	91:4
circles	23:3	se	118:17	113:1
289:15, 22	117:14	328:8	173:17, 19	115:7, 11,
circumstanc	146:1	Clemens	193:5, 7	21 118:1,
e	182:18	180:14	195:10, 20	5, 12, 24,
158:16	189:8, 19	199:1	196:8, 22	25
circumstanc	190:1, 17	Cleveland	277:20	124:10, 23
es	191:4, 14	62:20, 22	closely	126:10, 12
156:8	192:20	79:20, 21	38:6	128:24
civil	195:7	80:25	closer	130:2
11:4	207:11	94:14	118:18	134:9, 10,
clarify	211:3	97:14	127:3	12, 13
189:5	226:1, 9,	120:15	closest	135:2
266:24	25 227:5	214:16	129:10	136:16
312:11	232:23	221:10	269:11	138:19
clarifying	235:7, 8,	242:3	closet	139:3
42:6	18 340:8	244:9	109:14	143:15, 18
48:24	345:17	246:8, 20	closing	149:16, 25
161:15	classroom	247:18	195:21	151:2
262:16	40:18	248:3	closure	162:16
263:24	111:10	252:18	197:8	166:7, 15
clarity	129:24	256:5, 11,	clothes	167:10, 20
47:14	135:7	22	240:19	174:8, 18
class	143:21	clients	co-director	184:3, 19,
23:17	171:17	41:15, 25	263:13	20 197:7
57:5	209:9	42:8	climate	218:24
139:5	243:15	climate	62:5	223:4, 7,
	288:21			15 228:8
	306:9			229:20
				230:6

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: code..completed

237:7	65:25	151:4	committees	303:1,3
238:8	66:7		82:23	company
256:14	102:20,25	combination	97:2	255:7,8
263:18	103:17	281:10,21	102:14,18	
282:17		combined	310:10	comparable
284:21	collect	212:12	328:15	128:2
309:16	202:9			137:21
312:10	312:7	combining	common	322:11
313:15		243:11	83:18	323:9
316:13	collected	comment	85:5,6	
325:25	202:12	151:19	86:3	compare
335:1	312:8		90:22	136:17
338:18	collecting	Commission	143:18	163:11
	31:5,8	279:25	163:15	275:16
code		Commissions	164:3	338:1
107:20	collection		206:14	compared
185:6,22	67:15,16	24:20	302:18	298:12
232:4	76:2	348:8	314:15,	339:9
265:2	111:3	committee	19,20	
	collects	83:2,11,		comparing
coding	171:14	12,14	commonly	281:25
265:16		84:1,3,	12:25	
	College	11,20	communicati	compete
codirector	26:20	97:20	on	307:3
32:21	52:20	104:5	121:9	competing
36:14	53:4	158:10		254:22
cognitive	Collins	178:21	communicati	
40:8 44:4	164:14,	179:2,3,	ons	complain
45:1,3	17,19,24	4,6	14:9	96:3
		180:8,10,	133:14	complained
cognitively	column	18,25	community	95:23
299:19	139:6	181:5,6,	17:13	96:4
collaborate	140:22,23	16 182:4	22:19	complete
66:9 97:9	141:16,25	190:3	28:15	7:23 8:7
103:8	144:6	198:14	72:10,14	56:18
201:15	146:7,18,	210:18	82:14,15	64:3 80:4
206:18,19	19 148:4,	212:11	103:17	93:4
208:10	18 149:22	214:15	104:18	217:1
213:4	159:9,18	219:8,15	143:12	239:11,17
308:17	160:8	220:10	159:2	252:6
	162:18	221:14	172:11,19	301:4
collaborati	165:11,15	310:12	213:5,8,	337:11
on	166:19,21	314:3,4,6	17,23	348:12
99:2	224:24,25	317:5	283:4	
126:2	225:1,3	318:3	286:9	completed
307:10	264:22	321:6,9	296:24	88:8
collaborati	columns	323:18	301:17,20	91:16
ve	141:1	351:8		125:25

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: completely..contact

165:1	concepts	confidentia	180:8	considered
209:3	55:17	lity	308:24	138:6
216:14,16	concern	139:9	310:12	204:6
217:19,20	327:9	151:7	325:4	263:13
262:5		162:19	connection	310:8
315:9	concerns	confirm	12:19	315:6
317:17,18	97:24	12:10	16:11	consistent
318:2	103:12	26:1	41:16	116:15,18
completely	concise	36:13	82:24	200:20
129:3	200:19	60:12	125:19	281:15
197:3	concluded	80:2	148:21,25	305:16
225:24	355:25	139:22	174:4	consolidate
227:3	conclusions	140:1,4	197:24	d
231:1,2	323:23	141:14	256:11	28:13
235:18	condense	155:9	294:13	consult
285:19	87:7	164:7	301:7	163:14
completes	condensed	223:12	317:2	consultatio
311:18	87:9	227:20	320:17	n
337:16	215:15	260:15	connections	46:18,23
completing	216:1	261:24	207:21	111:19
51:9 90:6	conditions	265:22	consent	157:16
91:10	18:19	272:13	293:6	311:6,10,
92:8	conduct	274:18	consequence	12,13,19,
312:24	232:4	316:3	31:5	20,22
complex	343:13	328:11	329:17	312:15,
54:2	conducted	354:16	consequence	18,25
compliance	44:17	confirming	s	313:11,24
28:11	45:25	80:3	328:24	314:15
37:13	330:12	248:4	329:3	323:12
82:15	342:18	confused	considerati	351:1
86:10	conducting	30:12	on	consultativ
compliant	43:4	226:4	117:10	e
81:7	conducts	confusing	191:11	157:15,23
compounded	342:24	179:21	201:24	consulted
291:20	conference	323:25	216:24	46:2
Comprehensi	6:9 62:20	324:13	257:15	consulting
ve	295:5	conjunction	310:5,7	143:7
128:25	Confidentia	81:13	315:9,24	contact
compromised	l	188:3	329:11	154:24
67:19	316:11	308:11	351:3	197:21
concept	351:1	connect	352:23	295:8
34:21	connected	55:25	Considerati	301:6
	121:10	ons	325:15	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: contacted..correct

contacted	268:14,19	334:3,8,	coordinator	27:2,3
154:19	270:13,14	13,21	s	32:22,23
	272:8		37:21	36:20,21
contained		convert	49:24	38:19
81:4	contrary	25:14	50:1,5	43:5
139:7	350:21	convey	178:7	44:12
215:18	contribute	101:25	258:9,16	49:5
context	172:9,18	convince	263:12	51:21
177:2	contributio	291:4	265:19	53:4,5,13
continual	ns	convincing	266:13	65:25
185:3	203:10	321:20	289:11	77:22
continuatio	control	coordinate	337:10	83:2
n	10:24	32:10	cope	91:13,14
303:8,10	78:5,8		113:15	92:7,9
continue	79:4	coordinated		95:13
191:22	114:12	38:4	copied	115:8
	120:23	50:18	120:16	127:21
continued	152:11,16	coordinatin	180:24	134:21,22
254:15	162:22	g	181:1	139:15,19
continuing	183:2,14,	132:4	copies	140:19
23:22	17 199:5	coordinatio	88:6	141:20,21
24:9 25:8	213:15	n	328:22	142:3,16,
	214:20		coping	17 146:15
continuity	223:9	37:8,11	56:24	173:4
130:24	242:10	285:6		179:19
283:5	268:9	297:4,6	copy	180:21
285:16	269:1	301:8	11:15	184:10
296:18	272:12,16	310:4	19:5	215:9
303:11	316:17	350:24	139:25	223:14
continuousl	336:3,4	coordinator	223:3	225:8,17
y	347:20	26:10	248:18	238:20
176:13,17	349:11,14	36:25	260:14	245:3
338:3	353:14	37:2,5	355:14,15	246:22
continuum	controls	38:2,20	Cord	255:19,24
105:20,21	19:13	39:19	254:6	257:17,18
109:9	335:24	49:3,18,	255:4,21	260:18
186:1	conversatio	22 50:12	core	263:5,9
187:1,10,	n	51:2	57:9	265:24
23 190:8	12:9	156:10		267:8
191:18	163:18	264:11	corner	268:15
204:4	331:18	265:3,12	57:3	269:12
229:17	333:3	266:18	correct	271:2
contract	conversatio	317:20,	11:7	274:1
64:15	ns	22,23	12:12,13	281:3,4,
65:6	333:18,22	342:25	21:20,21	11 290:6,
			22:3,4	13 300:21
				310:16

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: correctly..cow

311:1	46:11	counted	185:23	120:5
318:9	48:7	25:13	187:2,9	138:10
319:13	51:11	170:12	191:6	150:13
330:24	212:22	counties	193:21	162:5
341:4,5	213:25	38:7	195:16	178:11
344:15	253:16	115:10	196:5,25	182:8
345:23	254:5	117:3	205:4	198:16
354:18,	283:12	118:11	272:2	214:5
20,23,24	284:13,19	135:14	275:19	218:9
355:16	290:5,10,	137:9,10	278:25	222:20
correctly	17 291:2,	168:9	279:1	241:18
203:13	23 292:8,	counting	285:25	245:25
206:23	22,25	281:1	287:14	249:1
217:3	296:5	country	301:24	252:9
225:11	302:10	167:23	304:17	309:1
281:1	303:3,5,	county	322:19	313:3
297:8	20 306:9	14:24	343:24	316:5
cortex	counseling'	27:14,17	345:22	325:7
54:10,18	s	28:1	346:14	343:5
55:2,15	284:20	31:22,24	347:9,19	355:5,13,
cost	counselor	33:7,8,23	couple	17
197:16	22:3,10,	42:15,23	33:23	cover
245:19	16 35:4,5	115:12,	102:14	156:11,22
256:5	46:19	13,14,16	121:16	179:11
costs	47:17	117:11,23	159:2	194:8
240:9	48:5	118:13,23	164:22	199:18
253:25	255:8	119:7,13	168:16	245:1
255:3	271:21	120:16	169:3,8	347:5
345:14	290:12	121:11	229:9	covered
counsel	293:9	125:25	270:14	123:2
6:21 9:15	counselors	126:8,11	295:15	240:5
19:6	46:3,24	127:4	296:9	247:6
285:1	47:1,5,6	132:5	338:17	covering
counseling	270:18	133:21	349:20	181:22
20:23	271:16	134:18,19	courses	COVID
21:1,19	286:11	135:14	35:13	94:3,4
22:19,20	296:7	137:2,4,	338:19	100:2,3
23:1	302:24	5,7	339:6	166:12,13
24:2,8	304:9	150:3,5	court	173:7
25:18,20	307:21	166:3,8	6:14,18,	267:13
39:10,22	count	168:9,10	23 8:20	COVID-19
40:3	29:25	173:18	9:2,19	115:24
44:18,20,	114:18	179:18	10:8,13	277:4
24 45:13	280:24,25	182:19	18:23	cow
		184:10,15	88:17	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

Index: CPI..day

100:21	criteria	276:13	62:14	195:24
CPI	69:3	278:17	daily	206:7
264:23	110:13	279:16	42:5	333:24
265:15	112:6,22	280:16	159:17	dated
267:8	287:8	281:25	171:25	120:13
269:11	299:12,15	282:7	dance	178:18
CPS	335:10,12	350:8	55:12	182:16,21
65:24	cross	curriculum	Darsey	198:24
66:2,3	307:13	35:9	302:9,20	214:14
68:23	CROSS-	159:3	data	242:17
cracks	EXAMINATION	205:23	31:5,8	249:9
34:12	341:18	206:2	40:6,12	252:17
create	cultural	237:25	65:1	dates
47:12	172:21	238:1	67:14,16	94:5
261:17,20	culture	338:22,23	69:7	196:2,13
created	125:7	cursor	76:1,2	264:14
85:21	130:16,17	274:24	106:19	Davis
163:9	172:12	cut	109:3,8	27:14,17
283:2	cultures	186:4	111:2	28:1
310:9	172:11	211:19	171:14,22	31:22,24
314:2	curious	227:21	176:8,25	day
317:4	39:16	cutoff	177:5	8:13 13:3
328:14	164:17	300:7	202:10	34:17
creating	318:19	cutting	223:20,24	47:16
133:22	current	114:9	224:2,10,	67:12
creative	22:7 27:4	257:11	14 228:12	76:6 99:9
278:14	73:15	CV	262:1	108:1
credentiali	76:9	19:6	290:22,23	113:20
ng	90:21	21:15	312:7	133:5
348:2	96:7	27:10	320:6,7	144:21
credit	118:8	32:20	337:9,18,	153:20
23:22	135:21	43:3	20	168:23
credits	136:15,18	45:24	data's	169:17,
24:9	140:22	53:9 60:9	202:11	20,23
crisis	141:2,19	64:6	312:8	170:14
51:11	153:5,13	65:23	database	172:2,5
56:14,18	163:8	70:22	149:20	191:19
60:13	185:1	76:19	178:2	193:8
82:9	227:22		date	202:21
116:9,10	262:4		94:9,10	208:2
287:19	264:6		146:12	233:2
	266:12		148:5,12	288:5,7,
	268:5		178:4	15 289:22
	271:20	DA	192:24	291:24
				324:25

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: day-to-day..designed

330:21	dealing	decision-	deliver	deposition
339:8	50:6	making	58:5	6:10,20
day-to-day	172:12	194:11	65:11,12	7:17 10:5
55:22	291:10	decisions	Delivery	11:4
82:8	deals	102:9	261:14	12:18
days	129:18	127:6	demographic	14:6,11,
107:13	dealt	343:18	s	21,23
159:2	197:23	347:24	177:24	15:13,15
169:11	December	decrease	demonstrate	16:1 30:4
174:1,3,	52:25	105:24	108:24	77:19
6,15	93:9	107:7	161:9	151:15
193:7	116:3	108:14	207:12,13	152:2
202:9	318:11,15	decreased	demonstrati	311:11
220:17	decide	108:12	ng	355:24
272:7	177:20	deescalate	108:25	depositions
286:23	193:18	55:10	110:16	16:17
289:16,22	decided	deescalatin	161:13	depth
daytime	15:14	g	denying	29:1
42:5	59:10,11	54:19	186:16	Derr
DBHDD	97:16	56:15	DEO	267:1
17:6	102:16	deescalatio	17:2	312:20
84:14	118:1	n	department	Derrick
107:14	165:9	336:12,14	13:20	59:21,22,
283:10	166:12	deficits	17:3,8,13	24 62:9
285:4,24	254:12	67:4	186:10	295:2
294:24	271:11	define	286:18,21	Derrick's
297:16	decides	258:12	332:2	59:23
301:7	217:10	defined	334:4,9	design
303:18	decision	343:6	345:7	30:11
306:12	115:20,21	definition	351:7	designated
307:5	117:4	279:21	depending	62:24
308:4	119:15	definitions	105:3,4,9	63:4
DBT	123:5	225:20	167:22	designation
39:23	185:18	degree	227:5	146:24
45:4,5	190:3	20:9,25	293:3	147:12
DCH	194:22	22:17,18	depends	160:2
17:11	318:3	26:3,15,	125:3	designation
deadline	321:10	19 348:20	170:3	s
94:7	344:1	degrees	279:20	147:18
deal	345:4	20:21,22	deposed	160:10
113:14	349:8	21:12	15:9,17	designed
123:15	350:17,20			30:14

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: designee..director

34:11,14	66:23	development	differences	312:14
36:2	67:24	ally	48:2	339:10
90:21	112:11,16	45:14	124:16,20	340:2,3,
126:3	149:6,7	deviations	172:7,21	4,19,22
135:16	179:5	40:9	differentia	347:17
251:5,25	developed	devices	te	directed
designee	30:10	133:1	250:20	11:6
315:13,	53:22	DFCS	differentia	345:21,24
14,17	55:24	42:11,15	tion	directions
321:4	59:14	104:19	68:25	92:8
desks	68:2 71:4	diagnose	differently	directly
136:2	83:15	44:11,14,	96:18	78:1,2
desperately	102:14	15	106:11	152:3
238:6	105:23	diagnosed	129:20	267:11
detailed	109:7	74:4	171:5	271:8
58:1	121:5	diagnoses	difficult	293:17
details	179:5	44:9	28:17	director
252:2	181:8	dialectical	53:11	15:6
determinati	193:21	45:6	69:8,14	27:5,12,
on	200:5,11	diencephalo	70:1,5,6,	13,16,22
315:5	259:20,24	n	11 73:9	28:16
determine	314:6	54:17	116:13	31:21
42:16	317:6	55:2	133:24	32:3,19
66:10	336:2	difference	232:13	35:17
67:4 69:9	351:9	47:16	267:13,14	37:20
126:16,20	developing	48:4,11,	276:13,	53:3
206:19	31:6 46:3	12,22,24	23,24	61:19
211:6,8	67:10	76:18	277:24,25	62:5
233:7	112:10	107:7	285:18	63:2,10
258:9	130:4	108:19	323:10	74:13
285:11	development	127:1	339:23	77:21,25
290:24	45:8 50:9	140:25	difficultie	81:11,23
323:18	53:24	153:9	s	82:3 83:7
determines	54:4	154:2,7,	109:20	84:13
61:2	71:15	13,14,15	difficulty	86:23
258:5	200:10	172:15	109:20,21	97:5
determining	249:22	191:1	diffuser	98:16
31:4,7,9	250:16	216:21	243:15	101:10,17
71:22	314:17	225:20	direct	106:17
287:18	development	251:1	7:10	115:22
develop	al	265:4	39:23	129:2
46:7	17:9	283:10	201:18	192:10
	43:24	327:18	311:15	193:11,15
	45:7,15			194:6
	160:19			226:6

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: director's..document

259:21	351:13,	11:20	228:12	185:2
260:9	20,21	111:6	distance	195:4,8
262:23	dirty	217:8,11	126:21	229:17
263:1,4,8	322:20	280:21	distinct	270:7,8
267:9	disabilitie	291:3	212:3	283:24
304:7	s	321:14	distinction	319:25
315:12,	17:9	351:13	68:16,19	327:12
16,17	18:13,20	discussed	216:19	336:1
317:25	160:11	11:22	227:7	diversity
321:3	186:15,18	101:9	245:8	130:4,10
335:21	189:23	194:14,18	divided	263:11
342:20	disability	212:4	district	Division
344:4,6	40:14	226:16	6:14,15	301:23
349:13	135:17	227:8	15:7	divisions
350:8,13	147:18	234:23	32:14	202:15
351:12	148:3	244:13,17	38:24	divorce
353:13	160:2,10,	331:20	65:17	16:8,11
director's	19 165:23	332:10	77:22	Dixon
33:7	disagree	343:23	78:12,24	249:10
97:20	95:5	344:11	102:25	350:12
315:12	318:22,24	345:15	103:23	DJJ
352:19	319:1	350:23	105:20	104:19
directors	disagreed	discusses	117:25	doctor
15:8,11	319:6	226:12	119:1,21	158:6,8
29:3 33:6	320:11	discussing	180:2	doctor's
38:6 41:2	322:4,6	24:15	184:2	171:1,3,8
84:9	326:8	179:2	185:7,25	doctorate
87:25	disagreeing	228:21	204:3	165:5
95:23	319:2	229:14	224:25	document
96:4	disagreemen	261:9	225:2,17,	10:7,9,
97:8,23	t	313:25	22 238:20	19,24
98:1,8,23	320:16,21	discussion	242:25	11:11,14
99:3,16	325:2	9:21 10:1	243:4	12:12,14
100:24	discipline	104:3	283:1	18:22,24
101:18	37:23	236:24	312:24	19:7 67:4
103:7	45:17	258:2	342:4,5	78:25
104:5,7,	disclose	321:15	districts	79:6
10 112:16	331:12,19	351:19	38:5	85:18,20
121:15	disclosure	354:3	65:14,18	88:15,18,
178:20	6:1	disguised	70:19	25 89:4,
180:20	discuss	69:9	79:12	8,23
219:21,25	8:17	dissertatio	80:5	
259:17,24		n	118:11	
304:8		212:10	137:3	
315:13			179:25	
328:20				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: documentation..dropped

90:13,17,	246:1,12,	199:12	180:9	dont
18 91:10,	17 248:25	218:18,23	181:2	336:24
15 92:17	249:17	308:24	195:23	doors
93:13	252:8,10,	309:14	196:3,17	211:17
120:3,6,	20,21	313:13	197:6,25	double
24 121:1,	257:20	316:15	198:11,14	156:19
14 122:6,	261:1,11	325:19	230:2	159:14
23 123:8,	262:19	328:13	239:18,21	268:9
11 124:2	268:4	329:2	240:25	346:17
138:9,11,	272:9	347:1	244:19	doubt
18	309:2,9,	350:24	245:20	108:15
139:10,	12,18,24	351:6,10	247:19	draft
13,15	310:1,3,	352:2,4,	253:19	112:11,16
140:5,12,	9,24	12,20,21,	259:25	183:23
16 149:14	313:2,11,	22,23	306:12	195:6
150:12,14	17 314:2,	DOE	310:13	199:14,16
152:8,20,	9,25	16:24	314:14	215:5
25 153:6,	315:19,22	17:1 62:4	317:10	328:21
25 155:7	316:4,13,	64:14	328:18	351:13
161:16	23 317:4,	65:6	329:4,5	drafted
162:6,18	9,11,14	79:5,9,22	332:5	192:8
163:1,3,4	325:4,17,	80:1,23	335:25	215:8
165:21	22 326:2	82:24	351:15,	drafting
178:9,12,	328:12,17	83:8	21,23	185:15
22,24	335:19	84:13	352:1,4,	186:24
179:1	354:4	85:14	16	drafts
182:7,9	documentati	90:3	Dog	215:14
183:13	on	93:1,25	58:25	drain-off
198:15,17	86:25	94:8,12	59:14	287:17
199:17,21	88:1,11	95:11	DOJ	336:23
201:22,25	92:6 94:8	97:9,17	13:15	draining
214:4,6	286:5	99:10,14	139:2	56:15
215:2,12,	329:9	101:14,15	186:21	336:22
18,19	337:13	102:13	223:7,22	drive-by
216:8	349:5	103:4,20,	309:16	288:3
218:8,10,	documented	23 104:2	DOJO	driver
17,21	247:21	106:20	129:24	72:22
219:2,5,	337:24	108:8	dollars	drop
16,19	documents	112:6,16,	204:24	338:6
220:3,8	10:5	20 119:3,	205:14	dropped
221:14	15:12,19	23	238:22	333:10
222:6,13,	88:1 89:6	121:14,23	240:18	
19,21	92:3	122:15	244:3	
223:2	152:22	131:8	245:22	
241:17	183:19	149:19		
242:5,13		173:21		
245:24				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: dude..educational

dude	215:5	325:6	29:3,22,	82:15
116:8	221:4	343:22,23	23,24	105:21
	242:2,16,	345:15	30:2 32:3	108:23
due	17 244:9	early	38:6 41:2	109:11
108:15	246:8	29:19	74:5,10	116:7
115:24	247:10,	35:21	84:12	145:19
148:12,	20,25	54:3	103:7	146:20
18,19	248:6,9,	160:23	109:13	149:4,9,
168:25	12,15	163:16,22	146:21	11
169:2	249:8	170:14	149:18	158:13,25
172:23	250:8		192:10	167:14
173:6,17	251:21	easier	193:11,15	174:12,22
224:15	252:7,16	86:6	194:6	180:5
262:12	253:6	128:9	196:14	185:4,10
348:17	347:5,11,	190:10	207:22	188:19
duly	13	245:14	211:16	206:3,21
7:8	351:15,25	260:13	251:10,15	207:8
duration	352:8	264:1	257:5,8,9	229:2
109:1	e-mailed	274:25	260:7,9	251:7
110:17	246:20	321:15	315:12,	265:2,13
	250:2	easily	13,16,17	266:23
duties	256:25	209:2	317:24	267:1,7
50:16	297:21		324:8	306:1
82:1	328:23	East		334:4,9
288:22		52:19	EDD	339:24
duty	e-mailing	Eastern	19:23	345:23
156:19	100:25	6:8	20:15	346:9,12,
	248:14		EDS	15
dyslexia	E2020	easy	19:22,25	347:10,
209:21	338:21,23	118:24	20:8	18,19,23
	340:25	128:4	24:24	349:3
E		EBD	48:21	350:14
	earlier	18:11,18		351:7
e-mail	38:17	74:3 76:7	educate	educational
47:8	64:8	128:12	45:13	12:21
79:16,19	77:19	146:24	education	13:4
80:3 94:5	95:10	147:7,11,	14:24	20:19
101:16	169:14	16 160:2	17:4,16,	21:17
120:12	179:24	165:25	20 18:5,	26:18
178:18	215:13	208:20	16 19:18,	89:1
180:24	228:21	209:4	22 20:8,	107:6
182:5,16	260:16	ed	23 21:5,6	117:18
194:8	261:9	23:22	27:13,16,	185:9
198:24	271:4	24:9 25:8	22 28:9	186:14
199:18	308:22	27:24	31:21	203:12
214:13,16	318:7	28:12,22	32:19	303:21
	321:25		53:15	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: educators..Eric

304:11	156:18	emotionalit	enrolled	328:19
305:25	170:4	y	135:21	entirety
308:9	189:20	124:25	136:2	139:13
educators	340:17	emotionally	140:17	entitled
34:23	elementary'	133:10	163:9	151:13
67:24	s	empathize	176:10	entrance
effect	340:19	73:12	178:4	201:2
65:2 73:1	eleventh	employed	349:3	216:14
118:7	159:21	26:6,8,25	enrollment	environment
effectivene	eligibiliti	282:2	136:22	31:4
ss	es	employee	138:21	113:20
83:17	149:7	343:13	139:16,20	169:4,6
efficient	260:10	employer	140:7	174:12
133:15	eligibility	342:3	150:22	184:17
effort	50:10	encourage	162:13	185:5
148:14	110:12	34:14	163:5	191:1
efforts	112:6,22	encouraged	ensure	210:24
100:11,16	146:17,20	350:20	81:6	environment
ELA	147:7	end	83:17	's
340:9	148:19,23	67:5,20	123:1	115:1
elaborate	159:25	83:25	179:10	environment
98:18	160:8	85:14,15	199:25	s
124:19	161:12	91:16	208:12	114:20
Elam	165:21	93:2	211:24	184:23
74:11	166:19,21	94:24	213:6	228:19
elapsed	eligible	110:22	217:24,25	envisioned
41:20	108:21	148:4	314:17	200:4
electives	146:21	163:18	ensures	envisioning
207:11,22	232:7,12	169:14,17	185:3	213:9
340:13	Emily	177:10	entail	equal
electronic	64:12	192:16	43:15,19	203:12
238:9	emotion	193:3,12,	44:19,24	equitable
355:10	60:19	14 232:18	entailed	13:25
electronica	69:15	288:7	45:7	83:19
lly	emotional	329:10	enter	184:8
10:6	18:12	336:24	337:10	207:19
elementary	40:11,16	341:4	entered	306:25
117:15	42:17	ended	64:14	Eric
143:21,22	44:7	255:13	337:20	242:18
150:7	212:1,12,	engage	entire	243:3
	13,17	56:1	90:17,18	244:17
	251:13		252:2	247:10
	326:17			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: Esquire..Explosive

Esquire	193:23	27:19	222:21, 22	20:15
6:19	300:4	28:13, 22	223:2	90:5
essentially	everybody's	37:14	241:19,	expenses
187:17	307:13	107:22	20, 25	240:4
189:9	326:18	146:12	246:1, 2, 7	245:1, 5
193:22, 25	everyone's	154:19	249:2, 3, 8	experience
215:20	72:20	157:14	252:10,	29:2 41:2
310:18	everything'	159:16	11, 16	43:3
ESSER	s	257:23	261:2, 3	53:10
269:19	126:23	executive	309:2, 4,	70:15
272:2	evidence	15:6 33:6	10 310:25	106:16
establish	186:25	77:21	313:4, 5	112:25
184:2, 7	evidence-	97:20	315:1	113:19
established	based	115:22	316:6, 7	114:2
181:12	30:19	342:20	317:15	142:5, 11
ethics	241:15	344:4, 6	325:8, 9,	174:7, 18
23:17, 23,	326:7, 10	349:12	14	experienced
24 348:22	327:3, 5,	353:12	346:19, 25	231:5
eval	13, 25	exhaust	354:6	experiences
42:14	328:4, 5	109:9	161:2, 6	54:1
evaluate	exact	exhausted	exhibits	expert
83:16	47:20	109:2	152:4	143:15
270:10	196:13	exhibit	exist	experts
evaluation	208:19	10:14, 22	127:14,	330:13
87:18	exam	18:24, 25	15, 17	332:5
270:16	24:12	19:5	existence	334:19
342:9	48:18	88:18, 20,	33:19	explain
343:9, 10	EXAMINATION	25 120:6,	existing	86:6
evaluations	7:10	7, 12	281:8, 10	153:9
39:7, 9	examples	138:11,	exit	220:2
40:5	55:19	12, 17	216:16, 25	226:13
42:12, 14	87:13	150:14,	217:2	343:7
43:4	88:14	16, 21	exited	explained
82:10	207:2	162:6, 7,	225:24	153:11
293:12, 24	210:16	12	expect	explaining
320:5	301:19	178:12,	278:24	317:17
342:19, 22	excited	13, 18	expectation	explanation
343:14	65:3, 4	182:10,	s	312:7
Evaluator	286:15	11, 16	128:23	explore
37:18	excuse	198:17,	129:23	82:19
eventually	9:19	18, 23	expected	Explosive
120:1	11:19	214:7, 8,		
		13		
		218:11,		
		12, 17		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: exposed..felt

66:4	129:14	fair	father	273:4, 8,
exposed	134:13, 23	144:15	62:16	12, 20
53:25	135:15	fairly	fault	274:4, 12
expound	142:9	145:8	209:6	281:22, 24
216:5	144:4	164:3	favor	306:18
extends	195:20	173:10	320:3	federally
349:6	196:4, 8	fall	FBA	269:13
extent	197:7, 14,	25:11	30:23, 24	270:19
8:8 41:18	24 198:4	34:12	64:15	feedback
46:21	238:8, 12	296:25	67:15	51:6
58:4	283:3	falling	109:5	94:17, 19,
137:24	308:5	29:18	110:21	23 121:24
160:9	335:5	falls	312:2, 6	194:17,
185:8	facility	90:13, 15	FBA's	19, 23
331:11	126:5	familiar	29:1 51:9	312:17
externaliza	135:12	13:14, 17	64:25	337:17
tion	138:24	19:10, 11	FBAS	347:12
212:25	139:17, 20	28:10	82:8	feel
extra	142:2, 8,	47:3	FDA	8:3 66:14
188:12	14 144:16	102:19	64:7	76:7
229:17	146:23	104:4, 13	featured	82:20
extracurric	150:23	202:24	72:25	133:4
ular	162:14	303:14	February	162:22
185:9	163:5	309:18	252:17	230:23
231:17, 22	165:17	families	fed	231:7
232:2	193:5, 6,	285:9	149:12	233:12, 15
233:14	17 195:22	298:7	federal	234:9, 10,
extreme	196:11,	299:17, 18	78:18	11, 15
158:23	20, 21, 22	333:18	83:7	237:20
161:14	facing	family	116:7	246:15
extremely	230:17	34:16	185:1, 6,	259:22, 23
122:1	fact	38:4	22 204:24	287:23, 25
	42:24	125:14	221:11	291:11
	70:18	287:5	237:10	307:9, 11
	76:11	296:1	238:18	320:1
	85:24	fan	239:24	323:20, 22
	89:14	229:23	241:3, 4, 6	fees
	107:2	farm	243:16, 24	240:8
	149:11	168:5, 14	244:3, 12,	fell
face-to-	153:19	fast	25 245:8,	271:10
face	207:2	110:19	15, 19, 20,	felt
70:4	299:20		22 247:24	69:4
340:25	failure			110:13
facilities	114:19			184:4
106:15				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: fence..forward

200:18	35:8	223:6,16	127:8	forefront
210:12	86:17,19	224:4	130:24	234:12,22
251:17	98:15	227:23	133:13,19	forensics
352:5	113:25	240:10	212:1	39:7
fence	144:2	241:1	239:2	forget
41:6	157:1	261:5,22	264:2	116:8
	207:6	fit	focused	
fiddling	259:12	166:19	117:7	forgive
15:22	275:3		191:7	13:9
field	276:14	fitness	210:6,9	form
25:16	288:6	42:12	217:4,18,	9:17 58:6
figured	296:6	five-day	22 218:4	122:14,15
304:4	323:1,6	74:15		125:25
	finding	five-minute	focuses	134:4,6
file	276:23	77:10	54:15	224:23
139:3		236:17	72:19	237:8
149:9,12,	findings		74:19	284:23
15	13:15	flagging	131:24	292:16
filed	83:23	223:20	folks	311:19
13:18	186:10	flexibility	41:25	312:25
186:21	fine	349:17	57:16	313:24
239:9	12:6 29:4	flow	84:11	318:4
	77:6	309:11	111:22	329:19,24
fill	124:14	310:5,17,	119:20	337:12,17
36:4	161:25	24 311:1	187:22	
279:8	212:13	313:25	196:4	formal
292:18	248:7	314:22	307:24	248:17,19
filled	326:19	315:2	follow	302:6
50:4	finish	317:15	92:11	format
final	8:16 9:7	350:25	195:18	43:18
85:8	11:1	fluency	239:4,6,	179:6
108:1	203:3	210:3	23 240:2	215:16
201:7,11,	329:10	fluid	241:5,7	formats
24 219:7	finished	136:22	follow-up	323:5
221:16	341:15,16	201:22	289:6	forms
finalized	finishing	fly	301:16	54:1
219:16	201:23	208:23	followup	149:16
finally	fiscal	focus	41:9	337:19
9:10	78:14,15,	20:3,4,18	251:21	352:24
18:15	24 79:18	34:8	foot	Fort
101:16	80:13,15	54:20	105:16	137:7
financial	81:3 90:2	99:20	football	301:23
203:10	118:1	118:5	233:5,20	forward
find	119:1,9,	126:4	234:17,18	45:17
	17 133:16			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: forwarding..Futch's

311:2	232:18	67:16	299:14	Futch
351:24	frozen	68:5	300:24,25	6:10 7:7,
355:9,11	294:10	319:16	306:17	12,20
forwarding	frumpy	functioning	funding	10:18,21
355:12	133:6	40:11,15	100:13	11:6
foster	frustrated	42:18	101:22	12:11
45:10	209:1	44:7 82:8	102:7	19:4,6,16
found	305:19	126:3	173:21	26:25
45:5	full	129:17	174:4	77:3,19
63:22	7:18	299:19	188:7	88:24
75:20	139:7	fund	203:22	90:2
133:20	279:23	116:24	205:17	120:11
200:18	280:1	188:5	221:22	133:18
276:9	325:21	204:25	237:6,8	138:16
291:2	333:15	205:1	238:17,	150:20
304:19	348:12	253:15	18,19,24	152:8
330:20	full-time	260:20	239:3	161:20
four-year	163:23	269:21	244:12,25	162:11,21
348:20	191:19	306:1	245:4,9,	167:9
frame	235:11	345:13	10 251:17	178:17
211:24	320:12	funded	253:2	182:15
framework	fully	78:19	260:16	183:12
230:2	9:12	100:22	266:4,17	198:22
283:16	174:11,	101:3,5	269:13	214:12
frankly	21,23,24	116:20	273:4	218:16
305:23	175:3,11,	124:11	275:10	223:1
free	13,20	194:1	281:19	235:25
8:3 82:21	192:5	237:4	282:6	237:3
162:23	279:18	253:20	283:7,21	241:24
246:15	fun	258:23	299:14	246:6
frequency	302:3	259:2,5	301:4	249:7
109:1	340:14	260:17	345:11	252:15
110:17	function	263:4	funds	294:6,21
291:21	31:6,9,	264:7	204:19	309:8,22
frequently	11,12	267:20,25	239:5,22	313:9
173:16	251:10	269:14,	240:1	316:16
friend	function-	23,25	246:21	317:16
288:3	based	270:19,21	247:6,9	325:13
front	319:19	273:3,7,	253:17	330:11
89:9	functional	11,20	269:16	331:15
227:2	30:25	274:3,12	273:20	341:9,20
	40:17	275:13	274:4,12	342:3
		276:11	281:22,24	353:21
		281:21,23	furniture	354:2
		282:9,11	75:12	355:25
			Futch's	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

Index: FY..Glynn

151:19	gained	174:12,22	341:21	242:9
FY	43:3	176:21	343:13	260:25
228:5	gaps	180:5	347:20	272:11
FY20	30:21	188:19	348:8	274:17
120:17	251:12	206:3,21	349:4	288:17
126:10	gardening	207:7,22	351:6	311:25
FY21	247:3	211:16	354:22	312:7
89:24	Gate	229:2	Georgia's	316:16
223:20	72:24	251:10	283:22	346:21
224:17	Gateway	324:8	gestalt	giving
225:5,6	285:24	generally	39:25	72:13
FY22	297:14	147:17	get all	298:9
139:5	302:22	324:10	103:7	glasses
223:19,23	gave	geography	get allotme	146:25
228:5	55:19	135:18,19	nt	152:15
262:10	71:11	Georgia	258:25	Glenn
	86:15	6:12,15		168:13
G	119:10	7:3 9:16	Gickem	GLRS
	127:12	12:15,20,	192:12	102:25
GA	165:7	21 13:4	Gilchrist	103:10,22
122:14	196:17	16:24	59:23,24	GLS
GA00015229	197:11,12	17:1,3,7,	62:9	28:19
214:19	220:1	12 18:17	295:2	
GA000829	226:24	19:22	girl	Glynn
242:5	271:23	20:2,17	128:5	33:7,23
GA00083733	272:2	21:2,8	girl's	115:12
249:15	295:7	22:13	305:3	134:18
GA00097408	geared	24:16,19	give	137:4
252:20	99:15	29:24	10:23	138:7
GA00131256	gears	31:22	57:25	161:17
183:1	105:13	35:13	89:14	162:14
GA00227998	257:21	47:20	94:6	163:5
199:4	282:15	48:19	120:23	165:17,23
GA00357358	308:20	62:4	121:23	166:2,7
246:13	general	64:7,11,	130:19	168:13
GA00794669	18:5,15	15,18	135:23	172:3
178:23	72:14	80:23	152:10,11	173:18
GA01064131	78:21	89:1	159:22	182:18
120:21	81:10	100:12	183:2,14	184:10,15
	82:6,18	111:4	199:5	185:23
	112:5	127:25	204:10	187:2,9
	145:19	149:6	219:1	191:6
	171:9	186:11	223:9	193:21
		339:5,6	238:7	195:16
				196:5,24

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: GNET..Golden

227:18	52:8,9,11	121:11,	232:23	313:10,23
263:14	55:17	15,16	233:14	314:9,15,
272:2,6	58:5	124:16	237:4,7,8	18 315:2,
275:19	59:17	127:14,	239:5	7,18
278:25	61:6	16,18,20	240:5	316:12
285:25	62:6,8,25	129:2	243:1	317:10,
286:3	63:6	131:12	245:9	15,19,21
287:14	64:2,16	134:24	250:12,	318:4,23
297:13	65:19	135:21	16,19	322:7,18,
302:5,20	66:15	137:22	251:18	25 324:20
345:21,22	68:11	144:20	254:8	325:1,14,
346:14	70:9 71:3	146:2,4	255:8,9	15
347:8,9,	73:25	158:1	256:14	328:18,20
19	74:4	161:3,4	257:7,22	331:17
GNET	77:25	174:10	258:6,19	335:7,20
32:5,8	78:12	178:20	259:17,	344:13
33:15	79:13,23,	179:11,25	21,24	345:16
35:23	24 80:1,	180:1,20	260:6	349:23
52:5	14,23	184:21	261:8	350:25
65:22	81:11,14,	187:21,	262:23	351:12,20
66:14	22 82:3	22,25	263:5,8,	352:19,21
68:8	83:6 84:9	188:3,19	19 264:8,	Go-ies
73:15	85:12	189:3,10,	11 265:1	148:13
81:24	86:22	23 190:1,	266:4,18,	149:1,2,
83:1	87:25	15,17	23 267:6,	13 156:25
98:4,8	90:5,22	191:12	9,20	
99:2	95:23	199:2	268:1,11	goal
112:23	96:3,17,	200:3	269:21	54:9
126:11	20 97:5,	201:17	270:21	130:18
210:13	8,19,23	202:4	274:6,15	163:19
	98:16	203:19	275:14	190:4
GNETS	99:3	204:18	276:20	314:21
12:25	100:14,24	205:7,24	281:22	goals
13:2,8	101:3,10	206:2	283:6,11	40:23
15:8,10	102:7	208:9	284:3,12	76:3
17:23,25	103:9	210:21	290:20	106:13
18:2,4	105:5,15,	213:3	296:5	113:22,25
26:10	18,19	214:17	297:11	211:12
27:1,11	106:17	216:3,15,	303:22	226:21
31:23	108:17,22	16 217:5,	304:7,10	228:17
32:3,11,	111:15	6,19,23	305:5,24	
13 35:17,	112:3,7,	218:7,19	306:3,4,	God
20 36:19	16,24	219:21,25	13 308:7,	69:25
37:20	113:5,19	222:6	23 309:11	84:4
41:17	115:8	223:4,15	310:4,23	275:3
47:10	117:5	225:25	311:3,14	Golden
49:4,24	120:2,17	226:1,6,9	312:24	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: good..guessing

72:24	165:15	253:4,18,	326:20	206:10
good	209:11,13	24 254:6,	341:8	257:3
7:12,14	340:9	23 255:2,	greatly	guardian
43:23	grades	6,12,13,	250:23	337:14
44:1	136:3	16 256:1,	Green	guess
48:23	143:21	4 261:5,	70:3,8	33:15
68:8	146:7,8,	25 263:5	Green's	36:9,23
70:15	15	264:8,18	66:3	39:11,14,
72:4 77:3	159:13,	266:5,19	Greg	16 63:11
99:1,6	18,20	267:20	59:21	68:3
107:17	165:18	268:1	grieve	78:21
116:23	Gradpoint	270:21	288:19	114:6
123:4	35:10,11	271:25	Griffin	115:21
133:7	graduate	275:14	74:11	131:10
134:1	20:20	280:23	group	153:20
166:24	21:11	281:22	33:15	154:25
184:6	26:23	306:17,19	44:18	164:16
193:20	35:14	307:3	51:11	170:18
194:20	113:16	353:18	75:4,7	172:14
227:15	grasp	340:14	78:17	175:8
230:12	graduated	Graybill	212:22	181:12,14
236:2,7,	110:4	64:12,17	250:3	196:21
16 277:21	graduation	65:5	284:13,14	209:2
287:6	338:20	great	290:5,9,	210:5
316:1	Graham	7:15	17 291:1,	227:10
320:25	302:21	28:18	9,23	233:25
321:6,15	grant	35:25	292:6	234:11
328:2	78:18	54:21	302:10	254:25
332:13	81:7	55:13	332:15	255:1
Goodenraft	101:3,7	66:19	groups	256:22
74:13	108:8	90:1	39:10	257:10
gosh	197:14	140:11	60:1	258:12
20:13	204:24	164:25	82:24	261:24
72:23	223:4,15,	205:10	168:18	264:13
285:5	19,23	208:3	284:17	265:18
governed	226:11	223:14	294:4,9	271:14
151:21	237:9	228:10,	growing	279:15
governor	238:17	13,19	124:16	282:18
257:13	239:5,13	236:11,19	228:11,13	286:4
governor's	240:5,8	262:16	247:4	288:16
307:22	243:13	273:13	guarantee	290:15
grade	245:9	280:11	205:25	295:7
136:6	249:23	285:20	guessing	300:25
159:20,21	250:9,11	286:7		348:16
	252:19,24			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: guidance..heavy

299:13	286:22	347:4	happy	39:20,21
guidance	320:14	353:24	188:22	72:6,7,8
119:10,16	Halloween	354:11,	215:21	82:13
121:24	302:1	18,19	300:17	116:2,10,
218:18	hallway	hand	355:9	12 147:23
335:18,25	211:18	86:12	Harben	186:13
336:2	Hamilton	318:17	7:5	203:23
guide	6:25	handbook	hard	267:15
90:22	7:11,15	337:20	25:7 59:9	277:3,11,
310:6	10:4,17	handful	339:15	12,16
guidelines	11:25	229:9	Harden	282:20,24
239:24	12:2,5,7	handled	205:5	283:3,8,
240:2	19:3 60:3	51:2	harder	17,20
guiding	77:9,18	handles	298:5	284:10
325:15	88:23	124:24,25	340:15	289:5
326:3	120:10	handling	Harrell	293:17
327:4	138:15	37:22	125:1,8,	294:23
328:25	150:19	handwritten	16	295:1,22
351:2	152:7	223:19	Hartley	303:19
gum	161:22	happen	7:5	305:10,
55:9	162:2,4,	141:22	hats	22,25
guy	10 167:8	173:16	28:3	306:5
72:23	178:16	197:13	Hawkins	308:13
116:6	182:14	234:11	7:5	324:5
198:1	183:11	320:23,24	head	healthy
guy's	198:21	happened	48:15	312:4
64:23	214:11	35:23	138:5	hear
guys	218:15	45:15,20	203:4	98:24
119:9	222:25	87:3	272:14	101:13
232:24	236:14	110:18	346:17	225:10
257:23	237:2	123:22	head's	257:23,24
355:10	241:23	134:2	323:1	294:6
	246:5	163:17	heads	297:8
	249:6	192:8,17,	103:18	320:18
	252:14	20 193:3	196:17	heard
	258:3	196:15	heads-up	250:6
H	294:20	219:14,18	247:11	309:23
	309:7,21	221:13	health	Hearing
Hagan	313:8	256:16	17:8,13	9:22
266:16	316:10	265:10	18:18	167:1
half	325:12	happening	22:19	330:2
52:13	330:10	110:19	heavy	heart
208:2	333:5			255:10
half-time	341:1,7,			
	16 346:21			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: held..hours

188:25	332:14	150:23	199:1	229:21
held	hid	155:11	home	277:10
9:21 10:1	166:18	197:17		351:16
36:24	Hieu	hippocampus	143:12	hoping
38:16	7:4 12:6	71:17	150:9	185:17
51:19	77:4	hire	157:11	294:4
236:24	161:23	260:21	158:14	300:4
258:2	high	278:1,15	169:6	horrible
helped	29:14	279:8	172:22,	275:3
40:4	32:21	hired	23,24,25	277:14
112:15	33:3	33:21	173:6,15	Horton
121:20	34:12,23	34:4	213:15	264:19
229:18	35:3,13	155:25	225:1,16,	265:24
267:15	36:16	156:9,12,	21 288:13	266:16,22
helper	82:1,4	23 190:21	292:15	312:21
72:20	110:4	263:12	296:1,8,	hospital
73:10	117:16	277:24	23 298:8	324:18,23
helpers	150:3	282:12	299:4	hospitaliza
72:20	156:18	342:6	333:24	tion
helpful	170:5	348:21	337:13	107:23
41:11	189:20	349:10	homebound	324:25
98:16	208:20	hires	158:1,4,7	hospitaliza
121:19	211:20	280:6	homework	tions
126:5	higher	hiring	57:22,25	108:7
133:20	20:23	271:1,3,7	honest	299:25
155:4	21:6	276:2	7:23	300:1,9,
201:12	22:17,18	279:5,6	85:24	12
224:19	93:16	history	94:21	hospitalize
308:20	108:13	43:24,25	127:3	d
316:2	137:1,25	Hold	137:23	107:12
helping	228:2,7	90:4	153:17	143:10
296:10	231:21	146:25	226:4	hour
helps	255:22,25	272:22	227:16	98:11
75:22	348:20	273:6	245:11	99:25
hey	highest	hole	259:16	100:1
59:16	19:16,18	116:25	honestly	145:7
148:11	36:23	holes	69:1	168:2
188:10	144:12	181:22	114:7	170:20
204:10	highlight	holy	123:16	171:7
209:20	53:11	100:21	129:15	236:4,6
233:18	Hinesville	Holyfield	131:5	hours
254:17,20	126:12,16	180:15	174:13	23:5,6,21
316:1	127:2		200:9	25:9,15,
	129:14		205:3	
			221:6	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: house..included

24 36:10	200:9,17	201:16	IEPS	181:19
44:15	201:9	312:3,5	149:7	201:19
100:5	205:3,10	identifying	318:16	202:1
107:16	254:13	29:16,19	imbedded	203:15,17
170:4	290:2	55:12	92:3	207:4
271:5,8	306:23	203:9	immediately	208:16
337:14	ideal	IDT	337:19	210:19
house	59:3	104:4,11	impact	254:18
278:9	ideally	IEP	40:22	improvement
299:18	148:25	32:7 50:9	102:6	92:18
Howard	294:3,8	76:3	108:20	improvement
182:22	ideas	82:11	196:22	s
347:8	311:25	108:24	243:21	93:18
hub	319:20	111:16	277:23	197:19
168:5,14	identificat	112:1	impacted	improves
huge	ion	128:1	42:19	106:5
58:19	10:16	130:25	impacts	in-class
185:24	19:2	137:18	34:25	57:2
hundred	88:22	144:10	40:14,17	in-kind
247:7	120:9	22 149:3	54:4 59:4	237:12
Hutchison	138:14	179:6	impaired	238:19
272:20	150:18	190:3	147:23	270:10
hypothesis	162:9	200:8,23	implement	in-person
31:7	178:15	201:4	129:19	339:10
	182:13	211:12	194:5	incentives
	198:20	216:3,14,	implementat	204:23
	214:10	16 217:9	ion	240:17
I	218:14	226:21	230:5	include
	222:24	244:1,4	243:9	43:23,25
I-READY	241:22	311:23	implemented	70:20
209:18	246:4	317:25	129:20,21	131:1,3
IDA	249:5	318:3,8,	230:4	151:23
68:5	252:13	22,24	251:6,12	203:17
136:7,8	309:6	321:3,6,9	314:19	207:5
237:9,10	313:7	322:20	327:6	208:17
241:7	316:9	323:5,7,	338:5	213:19
273:7,20	325:11	17 324:11	implies	220:19
274:4,12	identified	349:22,25	189:12	287:13
281:22,24	197:6	350:17,21	important	344:20
282:9	identify	IEP's	131:1,3	345:11
idea	54:7	37:12	132:2,17	included
86:7	56:11	38:10	133:25	43:22
125:16	85:6	40:19		58:10
179:20	130:20	50:18		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: includes..instructions

138:2	indirect	information	informing	334:16
148:7	81:17	32:4	133:23	inspections
213:8	143:9	41:22	initial	330:12,15
216:2	201:17	55:6	20:4	333:14,
224:10	240:9	58:11	26:6,11	20,25
336:8	311:15,22	71:12	61:10,15	334:10,
344:17	323:12	80:17	83:3,13	15,24
includes	indirectly	81:3,5	87:15	instance
81:5	78:4	85:2,16	107:15	191:15
113:19	329:20	87:10	200:7	350:15
124:2	individual	93:2	201:1	instances
131:24	44:18,20,	98:25	216:24	184:15
199:3	25 46:11	101:20	315:5	337:24
222:1	51:10	108:4	initially	350:2,16
283:16	113:2,3	132:3	86:15	institution
including	178:7	139:8,16,	87:2	24:25
226:25	180:4	20 148:7	111:18,20	25:23
302:4	203:8	149:24	132:25	instruct
inclusion	212:22	151:12	200:25	11:20
130:5,11	284:19,	163:4	initials	instruction
184:4	20,25	171:19	147:22	18:19
191:12	292:8,21,	178:3	150:1	28:23
inclusive	25 302:9	186:23	initiated	30:11,14
210:16	individuall	197:12	295:18	143:16
incorrect	y	204:10	312:23	190:11
153:15	209:16	228:5	injury	191:20
increase	individuals	233:21,	160:14	202:20
141:16	15:16	22,23	161:1,5,	207:25
182:1	40:3	266:1	12	212:19
213:20	120:16	288:11	input	289:17
229:19	180:12	295:8,25	54:22	339:10
256:13,20	242:4	302:14	55:3,5,14	340:2,3,
277:12	265:23	311:23,24	56:11,12	4,19,22
increased	266:15	315:8,20	68:10	instruction
254:15	273:3	316:12,25	112:19	al
independent	332:15	323:19	243:7	30:19
75:2,7	Infantry	331:13	287:16	37:17
independent	301:23	351:2	inquire	170:3
ly	inform	informed	246:20	240:13,
46:19,20	133:16	14:23	inspection	15,22
338:25	informal	24:3	143:14	instruction
339:2	111:1	125:18	331:2,5	s
	312:1	185:18	333:8	30:10
		331:6,7		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: insurance..issues

insurance 296:10	interagency 104:5, 8, 10 302:13	12:4 309:20	203:21 241:12	isolation 173:14
integrate 217:5, 18	interested 32:4	intervening 326:24	283:15 291:22	277:11, 14, 19
integrated 189:22	233:19	interventio n 31:11, 14	326:10 327:13, 24 328:2, 5, 6	issue 14:1
227:9	interesting 280:8	51:10	introduce 6:22	26:12
230:1	internal 89:22	56:18	introduced 297:14	40:16
283:16	218:24	60:13, 18		56:17
integration 133:22	223:7	61:3	inventory 119:18	61:1
208:17	309:16	66:19	124:12	66:10
215:22	313:15	67:11, 18, 25 82:9		68:20, 21
216:10, 13, 19, 23	325:24	88:3	investigate 323:14	83:9
217:4	internalizi ng 212:24	111:7	324:16	96:20
220:12, 21, 23	Internally 162:16	184:16	invisible 289:24	113:9, 10
222:3		185:21		119:17
232:17		243:21	invited 333:23	131:20
234:21		250:20		158:6
intended 143:4	internet 75:20	287:19	involved 82:17	166:14
211:22	internship 23:6	312:13	100:8	187:4
250:10	25:1, 22	319:16, 18	109:21	209:21
intense 284:24	interpret 40:6	326:7, 16	111:14, 20	211:12
285:14	interpreted 226:3	327:3, 19	194:10, 12, 21	232:13
intensity 108:25	interpretin g 40:12	interventio n's 327:5	197:16	234:1, 2
291:21		interventio nists 272:11	201:14	243:5
intensive 56:6, 7		273:15	213:18, 24	254:3
185:20	43:16	interventio ns 18:9	221:12	270:12
187:11	44:4, 5, 8	29:20	299:4, 22	294:12
203:20	interrupt 9:5 29:6	30:20	340:2	299:23
253:16	91:6	47:12	involvement 31:23	300:10
289:21		54:8 61:1	203:2	318:14
308:2	interrupted 176:14, 18	84:24	involving 87:21	320:8, 9
intention 195:9	interruptio n	106:5	IQ 40:8 44:4	322:10
interaction 186:17		108:16	299:19, 21	issued 13:15
		109:1		26:2, 7
				116:8
				186:10
				349:1
				issues 22:12
				24:17
				29:17
				70:2

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

Index: item..kids

82:17	Jeannie	177:14	Juvenile	kidding
85:5	61:22	Johnson	286:18,21	196:18
86:11	62:1,3	7:2 59:24		kidnapped
103:9	63:2,9	162:3	K	109:13
115:25	335:20	236:9,18		kids
123:21	Jeff	341:13,	K12	34:11,14,
130:7,20	27:14,16	19,21	146:11	22 41:17
131:15,17	28:1	347:2,15	keeping	45:16
169:1,2	31:24	353:20	25:8,15,	47:13
175:22	Jefferson	354:1,7,	23 116:14	56:5
197:24	31:21	10,13,23,	205:20	66:15
207:12,14	Jennifer	24	key	68:14,15
208:22	264:17	Jones	40:23	69:7,13,
232:15	265:9,23	295:10,	133:16,23	16,18
251:13	266:7	12,13	229:22	74:3 86:5
277:12,	Jesus	judgement	keys	104:19,23
16,18	333:11	70:15	343:9,10	105:5,23
284:15	job	July	kicking	106:3,14
320:23	27:4	27:8,18,	114:8	107:3
349:6	40:18	19,20	kid	109:10
item	41:23	37:3	40:21	116:16
32:18	42:5	51:24	41:4 47:6	118:20
218:22	50:2,12	62:22	67:20	129:10
316:14	52:15	348:14	70:2	133:4
325:18	106:22	jump	107:16	168:16
items	116:23	268:4	109:24	170:22
70:22	229:13	323:22	110:21,23	177:12
76:18,20	285:17	jumped	128:13	178:1
J	332:6,7,8	72:24	167:22	187:24
	jobs	June	177:18	193:17
Jacqueline	50:2	27:18	202:3	202:21
180:15	63:22	37:3	204:12,18	204:2,20
199:1	Jody	52:14	209:11	205:10
January	263:16,17	53:6	227:5	208:21
19:24	265:6,24	239:9,10	234:18,19	209:9
20:15	266:9,22	262:13	288:15	213:12
52:14,24	312:20	Justice	300:10	224:15
53:7 93:9	John	13:21	302:14	225:24
182:16,22	266:16	186:10	319:23	227:2
192:24	Johnny	286:18,21	323:2	230:13
214:14	177:14,19	332:2	kid's	231:4,10
215:9	Johnny's	justified	158:8	233:1,3
246:7,19		245:16		237:20
				254:18
				272:6
				284:14

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: killed..learned

286:20,25	260:22	6:18	Laurie's	282:11
287:1	276:19	10:11	273:5	296:20
291:8,11,	277:19		law	311:18
14 292:6,	289:18		28:10	324:21
12 296:4,	302:1,3,	L	287:3	345:6,17
19	17 308:11			LEA's
299:17,24	311:25	labeled	laws	238:13
300:8,11	312:1	89:23	22:24	258:25
301:25	318:13	144:7	81:8	310:6
305:18	323:15	151:1	82:16	326:4
332:13	326:17	162:16	lawsuit	
339:24	332:17	lack	13:17	lead
340:7		173:6,17	100:9	28:6
killed	kindergarte	286:4	186:22	37:17
288:3	n			297:17,18
	136:12	lady	LD	
kind	kinds	72:21	109:13	leader
24:1	67:13,22	299:9		37:17
34:12	124:18	lag	LE	leadership
54:5,6,7	125:14,18	228:6	318:5	19:21
59:10			LEA	20:6,19
63:16	knew	Lakesha	17:15	21:17
65:1,5	100:18,24	80:8,20	78:17	26:15
67:18,19	101:1,8,	94:14	102:19	87:16,22
81:20	21,23	97:14	103:1	91:23
85:18	181:10	239:19	109:2	125:4,5
98:4	223:22	language	113:16	278:4
99:25	269:1	60:19	127:18	343:10
109:19	277:20	130:8	128:14,19	leads
116:25	knowledge	145:5	129:10	320:7
119:10	39:20,21	187:13	167:14,16	
123:17,19	40:4,11	207:1	169:4	Leanne
138:5	41:21	208:14	171:19	39:4
170:7	42:4 47:9	216:9	179:10	41:15,23,
181:9	76:17	352:10	181:19	24 42:10
188:24	132:19		200:1	47:10
195:12	260:11	LAPCS	203:2	51:16
203:10	287:2	271:4	205:24	learn
204:14	306:3	lastly	208:10,11	13:7
207:15	349:24	350:23	211:16	113:14
208:22	knowledgeab	late	213:4,5	330:16
221:21	le	169:5	217:15,	331:1
232:25	40:1	Laurie	21,23,24	learned
233:22	194:15	272:25	218:19	42:4
234:18	244:23	273:18	231:18,23	71:14
250:3			235:1,8	75:14
255:10	Kyle		239:8	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: learning..listed

learning	68:5	291:1,15,	10,12	Lisa
25:9,12,		17,18	39:6	6:10 7:7,
24 37:19	length	292:12	204:12	20 11:6
46:25	128:8	338:19		19:6
47:2 52:4	167:19,21		licensed	355:25
54:14	174:8,19	levels	22:2,10,	
71:7	176:9	191:6	16 23:9	list
88:2,4	177:1	250:20	38:18	65:23
97:11	228:22	285:14	39:17	72:5
98:5	lesson	291:16	46:2,6,	95:21
148:3	156:19	liaison	18,23	100:20
157:18		82:15	47:1,17	139:5
246:9,21	letter	103:23	48:5,10,	142:19
247:2	13:14		14,16	143:6
326:18	83:23	Liberty	269:9	154:1,16
336:21	186:11	33:24	271:18	155:1
	letting	115:13	304:18,19	164:5
learns	148:11	118:18		261:14
50:24	156:24	134:19	licensure	284:10
LEAS	175:7	137:2,5,7	22:7	311:19
79:18	188:10	138:7	48:18	
81:13	211:11	150:23	life	listed
201:15		153:7	56:14,18	22:1
203:10	level	155:11	60:13	32:20
206:19	19:17,18,	159:11	286:22	49:2
207:6	20 21:18	168:8	287:19	52:18
260:20	24:17	172:5	299:4	53:2,9
339:3	29:14,25	195:17		122:19
	48:17	197:17	lighting	126:13
leave	55:22	227:19	67:1	133:13,19
35:20,22,	56:7	237:18		142:18
24 114:3	66:20	272:4,5	likewise	143:3
116:1	68:14	279:1	9:6 173:4	151:7
169:14	69:5	285:3,22	limited	156:4,17,
170:14	70:20	286:15	204:1	25 157:6
288:7	82:1,4	287:14	limits	160:25
	104:10	297:9	187:10	180:12
left	105:17	298:2		210:17
63:11	161:2	301:24	lines	216:6
124:12	177:13,	302:5	22:20	238:25
131:6	16,18	318:16	251:24	261:22
141:12	202:22	322:19	link	264:13,17
155:7	250:19		355:11,12	265:11
170:19	251:2	library		266:25
254:14	284:16,25	288:23	LIPT	270:19,21
317:16	287:8	license	104:14	272:10,
legally	290:24,25	22:2,5,	213:25	21,24
			287:7,9	289:8

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: listen..LSCI

301:14	304:11	58:18	178:5	307:16
303:6	347:20	62:14	250:14	321:15
324:8	locate	73:24	320:5,6	322:9
352:22	196:11	76:5	lose	332:3
listen	296:24	115:13	321:10	336:20
97:23	located	127:1	lost	love
99:4	14:25	136:13	321:11	70:16
listing	134:17	156:13	lot	164:20
44:5	137:2	171:4,5	25:10	260:13
142:1	187:5	177:15	39:3,9	284:5
lists	locating	219:20	42:11,12,	loved
266:3	126:4	229:10	13 45:1,	59:2,8,9
Lit	location	230:14	5,7 58:10	113:21
340:9	17:25	240:14	68:1	208:4
literal	33:4 52:1	327:23	70:14	low
324:21	135:4,13	330:15	71:11,14	93:19
litigation	155:12	331:16	75:13,19	101:18
12:19	168:13	long-term	82:17	208:23
13:8	344:2,8	107:14	86:6	225:19
15:17	locations	108:2,7	92:11	299:19
litigious	18:3,4	longer	95:23	lower
318:13	37:10	61:14	96:3	138:4
live	134:25	79:17	98:22	lowest
135:13	167:11	80:3	99:8	254:10
137:10	168:7	99:24	100:6	LPC
168:1	190:20	175:6	102:4	23:12
lives	locked	230:17	103:4	39:6
167:22	109:14	231:5	106:2	44:13
LKES	logical	253:24	113:9	48:7 82:9
343:4,7,	324:20	255:2	128:9	290:14
10	login	256:4,7	137:13	293:11,15
local	204:10	260:1	177:9	LPC's
17:16	logistics	310:19	189:17	23:2
79:12	130:16	longest	194:15,16	44:14
80:4	logs	167:25	205:16	253:15
104:7,9,	253:13	174:19	208:18	293:14
13 105:20	long	175:4	237:15	LRE
164:21	13:13	176:5,20	255:11	201:17
167:14,15	14:18	looked	267:16	202:5
241:6	16:7 27:6	31:7	276:2	226:20
287:9	30:13	100:21	277:3	318:5
303:21	33:8	126:20	284:1	LSCI
		166:20	287:23	56:13,16
		177:22,23	298:6	
			300:11	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: Ludowici..mapping

60:8,12,	298:21,23	85:17	19 248:22	210:23
15,25	333:7	86:19	251:3	227:6
61:10	344:1	87:8,11	255:14	230:10
62:16,19,	345:5	91:7	258:14	231:11
24 63:23	main	93:18	260:13	239:7
64:3	50:12	110:9	268:8,21	257:25
287:17	113:9	112:15	269:4	322:23
336:20	149:12	123:20	271:6	351:21
Ludowici	287:24	125:13	287:24	man
33:8	maintain	127:5	291:19	86:23
lunch	149:19	132:22	292:19	109:15
8:14	171:16	133:4	296:20	111:8
50:24	175:23	141:13	298:11	144:9
129:10,12	178:2	145:22	306:25	293:25
161:18	maintained	147:2,21	307:1	manage
179:14	201:2	148:1,15	321:13	78:19
196:16	maintaining	152:12	327:1,20	management
236:5	28:10	154:2,6,	328:22	27:23
	maintenance	13,22	346:3,7,	28:25
M	197:9	155:3,18	17 347:24	81:6
	333:6	157:2	349:12	82:9,16
MADAM	major	160:20	350:20	manager
9:19	26:21	162:21	Maker	62:4
10:13	109:20	173:3	75:15	79:22,25
355:5,13,	158:17	175:9	makes	83:7
17	197:8	178:1	38:13	181:2
made	215:12	181:13	40:21	198:3
6:1 40:18	majority	185:18	47:11	242:24
43:21	42:20	188:15	67:23	managing
86:3 96:6	113:4	189:4,15	108:21	267:12
100:11	147:6	191:23	118:4	manifested
102:9	149:5	192:6,15	127:1	192:20
117:4	188:5	199:6	172:15	Mann
119:2,15	224:14	200:1,18,	202:5	182:22
126:15	304:20	19 205:19	308:7	347:8,14
140:2	321:5	208:6	315:5	manner
151:5	make	211:4,19,	349:8,13	187:10
197:19	19:17	22 217:12	making	manual
203:3	21:24	224:3,8	14:2	259:18
205:5	29:8 30:5	228:15	28:11	mapping
208:7	40:19	229:1,5,	37:12,13	54:13
215:13	47:24	18 234:10	75:5 85:5	
216:19	75:16	235:12	87:21	
288:12,13		241:13	114:23	
		242:9	194:22	
		244:22		
		247:2,18,		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: March..member

March	218:13	21 248:8	28:3	289:23
120:13	222:23	Mccray	300:25	305:2
242:2,17	241:21	272:20	medical	317:25
249:9	246:3	Mcintosh	83:9	321:3
Marie	249:4	14:24	158:6	322:21
7:20	252:12	115:13	296:12	328:20
mark	261:2	304:17	medications	351:20
10:9	309:5,10	MCSS	289:10	meetings
18:23	313:6	283:15	meet	28:20
88:17	316:8	meaning	85:15	32:6,8
107:19,25	325:10	75:6	98:8,9	82:11
120:5	master	106:12	99:9	94:18
138:10	60:9	154:17	104:22	97:2,5,7,
150:14	61:7,23	318:25	110:12	12 98:1,
162:5	62:24	meaningful	131:18	12,15
171:12	63:19,24	186:17	137:18	99:20
178:11	masters	means	163:22	100:6
182:9	20:22,25	40:9 61:7	170:9	101:10
198:16	21:5	158:19	211:7,11	102:23
214:6	22:17,18	235:7	232:4,9	103:1,2,
218:10	25:21	meant	284:16	6,21
222:21	material	58:19	285:10	104:6,7,
241:18	238:1	95:16,20,	290:20,21	8,14,16,
245:25	materials	21 186:4	299:15	17 105:2
249:2	119:18	191:25	301:13	112:18
252:9	math	217:7,10,	303:11	131:15
309:2	100:18	12	335:9	179:7
313:4	238:1	measure	meeting	295:16
316:5	matrix	107:1	14:14,16,	304:25
325:7	56:22	measures	18 85:18	318:9,19
marked	matter	107:9	88:6	351:13
10:15	6:11	measuring	94:5,9,13	meets
19:1	112:5	106:18	100:5	287:7
88:21	171:10	mechanism	101:18	Melanie
120:8	299:14	256:19	104:1,11	7:2
138:13	341:22	mechanisms	111:17	341:20
150:17	matters	205:17	113:22	354:1
151:1	16:13	media	137:18	Melinda
162:8	maximum	133:1	178:21	302:21
170:15,	185:8	Medicaid	196:16	member
20,23	Mccollum		201:4,24	84:20
178:14	242:3,18,		216:4	117:24
182:12			219:21,25	180:25
198:19			228:17	279:3
214:9			280:7	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: members..modifications

318:25	22,25	192:10	millage	mistake
319:1	306:5	211:11	205:14	69:5
350:10	308:13	221:5	million	mistaken
members	mention	226:21	101:6	52:6
72:10,15	186:21	method	307:23	62:10
82:14	mentioned	76:16	Mimi	95:15
180:17	9:2,4	methods	74:12	153:19
237:15,16	11:21	75:18	mind	misundersto
318:21,24	20:14	Metro	68:3	od
memo	31:15	59:21	82:20	221:1,2
182:21	45:24	295:3	111:8	mixture
183:22,23	50:17	METS	187:2	74:16
184:9	51:18	253:25	234:13	342:25
186:24	60:8	Microsoft	254:22	model
188:24	77:20	352:15,17	mindset	24:7
192:9	80:19	mid	336:18	53:14,21
194:4	85:23	85:14	337:1,2,	55:23
345:16,21	90:9	mid-year	16	57:15
347:17	95:10	91:2,9	mine	58:9
memorialize	149:1	92:14	23:7,8	59:13,18
d	195:3,19	93:8	89:12,25	60:16
78:25	197:20	middle	121:8	66:3 67:2
memos	253:1,22	52:15	223:13	68:11
195:6	290:5	117:15	249:20	70:25
mental	292:7,9	135:8	330:22	71:1,2,3,
22:19	294:22	143:22	minute	4,20,21,
39:20,21	299:1	150:4	80:10	25 129:1,
72:6,7,8	301:17	156:18	250:3	23
82:13	312:22	170:5	324:9	202:15,16
116:2,9,	318:7	189:20	minutes	231:24
10,12	348:3	226:19	14:19	232:1,20
186:13	mentor	340:24	36:4	233:7
203:23	302:1	midst	58:18	287:13
267:15	message	8:16	77:5	302:1
277:3,11,	180:13	Mike	118:19	340:16,25
12,16	messed	198:6,7	167:23	model's
282:20,24	250:1	military	168:3	231:25
283:3,8,	met	172:15	292:4	modificatio
17,20	57:22	military-	322:23	n
284:10	59:7,8	base	missing	46:8
289:5	84:21	172:12	173:11	modificatio
293:16	110:15	mission	mission	ns
303:19	113:25	106:10		31:13
305:10,	163:19,23			46:3

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: modified..national

319:20	308:25	monitoring	mouth	88:12
modified	313:24	177:11	327:10	143:17
333:12	317:1	month	move	299:25
335:21	321:25	57:22	45:16	300:1,9
modifies	324:4	58:22	49:1 54:8	304:7
339:16	327:15	98:10	61:3	Multitiered
	346:22	103:12	196:8,23	29:13
modify	Monday	141:23	203:5	Murphy
19:12	36:11	253:13	287:20	6:16
200:24	money	monthly	289:17	music
339:19,20	78:18,19	98:9	323:3	55:11
mom	81:7	159:16	move-in	131:12
288:12,13	86:13	months	311:7	
moment	101:2	60:6	322:10,	N
10:25	117:2,3	174:15	13,14	
19:9	123:17	175:22	moved	Nabeka
24:15	124:10	219:20	141:12	198:25
39:11,15	204:13	Monty	193:6,16	Nakeba
43:8	205:7	333:16	196:12	83:3,5,6
45:24	237:10	mood	322:16,18	96:12
50:17	241:5,7	243:22	moving	180:23
51:18	243:13,	Moody	36:17	182:17
60:7	16,24	242:18	55:14	194:8
88:16	244:6	243:3	146:17	196:15
89:15	245:14	244:17	159:25	197:20
90:9	250:4	247:10	165:15	214:16
120:4,24	253:6,7,	morning	179:18	221:8,10
121:10	20 254:9,	7:12	351:23	249:10
127:13	24 256:13	100:19	MTSS	250:8
149:1	257:10,	289:23	27:24	251:17
175:12	17,18	Morris	28:21	347:11
183:3	269:18,	61:22	29:12	named
199:6	19,20	62:1,3	30:1,4	164:14
212:5	271:23	63:2	66:13	273:23
214:22	272:3	335:20	70:20	names
219:1	304:9	MOU	202:22	84:5
242:10	305:5	123:18	249:11	151:11,23
246:14	306:4,16,	124:13	250:19	155:14
249:16	18,23	mourn	251:10	157:6
260:25	307:17	288:18	multi-tiered	315:25
267:22	monitor	mourning	249:11,21	national
274:18	109:3	288:18	multiple	62:19
276:12	337:6		38:7	
299:2	monitored			
303:6	86:10			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: naturally..numbers

naturally 63:12,13	needy 299:17	NME 53:17,19, 20 55:22 57:15 58:6,12, 14,15 59:2,18 62:12 71:11 72:2 295:5	352:17, 19,25	153:13,22 154:18 162:8 170:3 178:3,14 182:12 198:19 203:6 214:9 218:13,22 222:23
nature 195:7	negative 230:19 286:17		noted 43:3 46:21,22 49:17 106:13 119:11 134:23 228:22	
Navy 172:17	network 12:21 13:4 61:15 89:1			
Nazi 38:11		NME's 58:21	notes 126:8	225:4,15 226:12 228:2,9
Neal 180:15 199:1 295:8	neuro 53:14 57:16	Nobody's 161:10	notice 166:1	231:21 241:21
nearing 341:3	neurologica l 71:12	nods 48:15	noticed 194:7	242:4 246:3,13 249:4
needed 15:2 37:23 52:15 87:7 99:24 106:4 109:24 110:14 121:21 122:12 157:1 190:22 193:18 194:4 197:13 200:15 201:3 210:13 229:15 237:15 240:12 241:9 244:1 279:2,3 296:3,8 326:24	Nguyen 7:4 11:19 12:1,3 77:7 151:18 161:24 236:3,19 331:10 341:12 355:2,8, 15	nondisabled 185:11	notifying 186:11	252:12,19 275:17
	nice 68:9 285:25 317:24	North 76:12	noting 108:2 145:23 218:23	281:7 289:6 307:2 309:5
	niche 144:2	Northern 6:14	November 65:16 102:12 198:24	313:6 316:8 318:8 323:5 325:10,18 346:25
	Nicholas 62:13	note 9:14 30:6 52:18 70:24 82:21 133:12 139:6 151:3 153:24 156:3 184:25 185:6 223:19 231:14 246:11 325:24 353:25 354:5	number 6:12 10:15 19:1 29:8 88:21 96:2 105:25 108:6 120:8 134:13 136:15,18 138:13 139:4 141:2,8, 9,19 144:12 150:17	numbered 324:2 numbering 139:2 218:24 223:7 309:16 313:16 325:25 numbers 65:1 137:1,25 141:16 153:10
needing 104:20,21 271:7	night 34:18 35:19 47:8 125:14	notebook 15:22		
	nights 33:1 36:7			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: nurse..orders

282:1	observing	290:18	Okefenokee	109:23
323:25	332:18	292:9,11	117:22,25	110:6
339:7	obtain	offering	older	184:1
nurse	24:21	188:4	136:8,9,	220:7
289:9	26:18	254:19	14 193:5	229:21
				230:6
nursing	obtained	office	on-the-job	300:13
28:3	19:19	14:25	278:2	
nurtured	occasional	22:14	one's	opportuniti
113:21	276:19	33:7	209:6	es
	occasionall	42:22	one-on-one	186:16
O	y	151:5	340:3	189:22
	25:17	187:5		201:16
O.C.G.A.	38:21	285:7	one-to-one	203:12
6:2	98:25	288:23	39:22	206:20
	302:23	officer	online	207:6
oath	occur	286:23	35:9	229:2
7:22	330:16,18	official	57:18	opportunity
object	occurred	84:18	62:13	34:15
331:11	333:25	110:12	159:3	35:6
objection	334:5,10,	168:19	338:22,23	93:22,24
9:23	24 350:3	169:14	339:3,4,9	103:14
167:2		270:5	340:18,	130:20
330:3	Oconee	officially	20,23	132:9
objections	52:5,7	165:9	open	184:5
9:16	117:22	268:25	33:21,23,	207:16
	118:2	officials	24 34:4	227:12
objectives	Oconoe	334:23	76:12	249:11
40:24	52:3,11	offset	opened	options
obligations	October	253:25	33:9 34:5	185:9
133:16	6:7	255:3	opening	190:7
observation	178:19	256:4	164:23	191:16
44:2 51:4	off-the-	oftentimes	211:17	order
observation	record	38:24	operating	24:21
s	9:20,25	45:9	187:9	151:6,21,
44:2	236:23	340:5	operations	25 194:5
observe	offer	OHI	259:18	210:20,22
111:24	284:23	147:23	opinion	239:5
312:15	305:7	Ohio	31:2	354:18
319:23	338:19,21	62:21	34:19	355:14
observed	offered	oils	66:13	ordered
113:1	117:12,16	243:15	70:13	102:11
143:15	284:20		85:20	orders
				354:16
				355:1

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: organized..participating

organized	294:18	187:8	125:9	part-time
200:20	330:4, 8	parameters	131:16	32:25
original	355:21	11:16	133:16, 23	163:21
151:20	356:1	paraprofess	137:20	267:9
194:7	pack	ional	144:1	271:9
200:9, 10	321:23	165:2	166:12	participant
originally	packet	paraprofess	285:18	105:7
200:4	292:18	ionals	291:4	participant
OT	315:8, 20,	142:1, 15,	296:10,	s
145:6	24	21 155:6	11, 15	166:11
other's	316:12, 25	164:5, 10,	299:3	participate
307:13	317:17	14 280:22	305:18	32:7 65:8
ourself	318:2	281:14, 20	345:9	97:4
93:1	328:19	282:2	parents/kid	102:22
outcomes	pages	paras	289:14	103:21
92:18	92:11	156:16	part	104:3
	146:11	279:4	33:20	105:1, 2, 9
outstanding	152:18	parent	37:7	108:22
99:13	316:20	45:11, 12	41:23	207:17
overlapped	pains	50:22	54:7 55:1	232:6, 8,
35:16	124:16	67:3	64:4, 21	12 234:7,
oversee	panic	107:17	65:6	13 252:5
181:4, 13	332:11	234:12	71:22	291:7
oversight	paper	289:12	78:19	318:8
78:22	149:12	296:14	93:20, 21	343:18
81:11	paperwork	337:13	96:9, 17	participate
overview	132:16	parent's	111:8	d
72:14	301:5	321:16	114:1	111:16
Owens	323:13	parental	121:11	231:17
101:18	para	42:12	122:19	234:25
owner	155:17	parenting	131:2, 4	235:6, 15
255:7	156:1	45:12	133:22	318:12, 20
	165:7	parents	135:2	350:17
	209:10	42:16	170:14	participate
P	237:16	45:10	177:9	s
	260:20	50:7, 24	179:25	94:12
p.m.	278:22,	66:8	191:19	97:12
33:2	23, 25	82:11	201:20, 23	103:24
167:3, 7	312:4	107:18	203:1, 7,	participati
183:6, 10	paragraph	110:24	17 222:4	ng
236:22	184:13	111:2	228:12	79:13
237:1	186:9	123:25	285:1	189:8
		124:17, 21	286:4	191:4
			294:7	231:22
			314:16	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: participation..phone

297:10	paths	peers	162:1	198:11
298:2,12	310:18	186:17	perform	202:9,19
participati	311:2	207:17,23	71:18	221:11
on	pathways	pending	performance	243:1,2
59:6 97:3	283:2	6:13	342:8,18,	244:19
249:12	patients	people	22 343:14	247:19
292:20	46:4	34:1 36:2	period	264:13
298:6	Patrick	42:22,25	44:3	266:25
parties	6:16	59:4	173:14	284:22
130:19	77:11	60:16	202:21	287:10
partner	341:1	65:4,7	219:14	297:17,
226:6	Paul	84:8	230:18	18,19
partnered	61:13,14,	132:19	periodicall	300:3
285:4	18,23	137:8,10	y	304:17,24
partners	71:2	152:3	56:20	person's
301:20	paused	181:23	58:13	274:11
partnership	225:10	211:3	301:13	personal
294:22,25	pay	259:25	permission	16:12
295:18	78:21	270:14	284:23	174:7,17
308:12	116:21	277:4,6,	286:12	personally
partnership	167:16	13 280:9	292:16	229:24
s	237:14,22	286:17	302:12,13	personnel
286:10	238:9,12	298:7	permissions	82:16
301:17	256:9	299:3	149:17	93:25
302:7	260:21	301:12	Perry	249:22
303:2	285:7	332:4	58:25	250:16
parts	300:20	percent	59:15	261:14
54:5	paying	59:6	Perry's	334:13,21
181:10	279:4	172:1,4,	53:20	343:18
passed	PBIS	6,18	person	perspective
48:18	18:7	193:2	39:5,25	40:13
62:15	56:22	196:2	46:11	278:4
63:16	125:17,18	240:7,10	61:11	pertaining
past	128:23	247:8	62:23	171:14
62:15,21	129:3	259:23	63:4	PEX
122:11	204:22	298:15	70:25	75:14
337:22	229:24	318:16	71:1,2	pharmacist
	295:5	338:6	72:4 73:7	164:19
Pat	peace	percentage	78:16	Phd
351:11	57:3	208:19,20	97:17	48:17
path	Pearson	perception	98:12	phone
315:3	35:12	227:10	119:23	125:13
		perfect	181:2	
		67:23		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: phonetic..plenty

196:15	307:1	33:5	46:12	319:16,18
233:18	326:7	Plaintiff	51:10	329:7
phonetic	pieces	354:17	64:4	351:9
28:13	343:22	Plaintiff's	66:22,23	352:11
74:13	place	10:10,14,	67:9,11,	planned
192:12	29:21	22 18:24,	18 68:23	98:1
physical	83:17	25 19:5	83:4	200:20
75:11	86:1	88:18,20,	84:20	planning
158:22	103:7	25 120:6,	85:22	27:23
224:16	104:25	7,12	89:2,24	37:18
335:14,16	110:3	138:11,	90:3,6,7,	83:2,11
336:8	111:6	12,16	11,20	104:8
337:11,	114:22	150:14,	92:4,19	180:10
12,15,16,	123:9	16,21	93:4,16,	181:4
17,24	133:2,3	162:6,7,	17,21	218:18
pick-up	149:13	12	94:1,16	328:14
345:9	151:21	178:12,	96:6,10	plans
picked	196:20	13,17	97:24,25	46:4,9
233:17	200:1	182:9,11,	98:3,6	47:3
298:24	204:17,18	15	111:7	66:21
345:1	211:23	198:17,	114:22	67:25
picking	220:16	18,23	117:10	156:20
69:14	230:8	214:6,8,	121:2,4,	platform
picture	232:13	12	21 122:4,	149:3,4
16:16	260:2	218:10,	20,25	play
73:2	267:14	12,17	123:1	44:25
113:13	277:7	222:21,22	130:19,20	45:25
307:15	296:4	223:2	131:2,4,9	50:19
pictures	306:8	241:19,	132:4	115:2
74:21	320:2	20,25	133:22	277:19
75:18,19,	351:19	246:1,2,6	179:6,17	play-based
20	placement	249:2,3,8	181:9,11,	45:1
pie	108:2	252:10,	21 199:2,	player
232:10	158:25	11,16	15,24	233:5
piece	349:22	261:3	200:5	playing
76:25	350:20	309:2,4,	201:20	233:19
117:19	placements	10 313:4,	203:9,18	pleasant
201:23	320:13	5 315:1	208:17	132:24
220:13	places	316:5,7	214:18	pleased
222:3	88:5,12	317:14	215:6,8	296:16
231:9	129:12	325:8,9,	216:12	plenty
232:9	131:11	14	219:8	44:16
234:21	Plains	plan	294:3,8	
	32:21	31:11,14	310:10,14	
		40:20	312:13	
			314:5,7,	
			17 317:6	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: point..presenter

77:7	policies	262:24	potentially	14:6, 21
point	81:8	263:4	100:13	15:13
8:11 23:8	335:10, 13	264:11	power	prepare
38:9, 11	336:6	265:11	107:21	14:10
46:1	policy	266:4	171:18	15:23
63:3, 15	130:6	267:4, 19,	231:2	183:25
74:5	170:8	23, 25	Powerpoint	199:14
99:19	285:12	268:12	259:4	331:4
100:6	335:1, 4,	269:13		332:14
111:9	14, 16	274:3, 11	practice	prepared
114:13	336:2, 9	positions	41:16, 17	125:10
115:15	352:7	47:15	42:1 68:6	182:5
118:2	353:7	261:22	143:18	199:21
129:8, 25	pool	264:7	206:15	
141:18	235:13	266:18	232:14	present
142:13	poor	273:3, 19	234:4, 5	14:13
144:16	211:10	275:13	practices	58:2
146:10, 23	poorly	278:21	85:7	99:1, 12
158:23	319:17	279:9, 12	86:1, 2	105:6
159:12, 21	population	282:6, 7	90:21, 23	169:24
166:24	34:8	positive	129:19, 20	170:12,
187:19	207:23	18:8	314:19	15, 21, 24
188:7	237:11	possibly	practicum	171:6, 12
195:14	portal	41:5	25:1, 22	295:5
205:22	28:14	166:20	praying	330:11
211:2	58:16	170:9	285:13	331:18, 21
212:6	94:9	213:13	pre	334:22, 24
213:11	239:18	post	100:8	presentatio
216:11	portion	91:4, 9, 18	231:5	n
221:8	61:22	92:14	pre-cortex	57:24
244:10	205:6	93:5, 10,	287:20	97:18
254:4	220:24	12	pre-doj	259:4
258:24	303:18	post-	100:9	295:4
259:17	339:8	assessment	pre-trauma-	340:10
291:4	position	91:3, 9	informed	presentatio
293:9	15:5	pot	230:15	ns
298:14, 16	32:25	158:21	prefer	77:1
318:1	35:16	253:7	299:23	99:17
320:16	36:22, 24	269:20	prefrontal	presented
321:14	38:16	272:3	54:10, 17	62:21
points	49:1	307:17	55:2, 15	105:10
91:11	77:25	potential	preparation	318:21
197:21	244:11, 24	133:9		presenter
290:23				53:10
320:20				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: presenting..program

presenting	261:2	probation	119:6	professiona
25:10	318:11	286:21, 23	121:20	l
	342:13		194:11	20:21
presents		problem	200:19	21:12
240:20	principal	12:5	201:8, 14	22:2, 10,
353:13	34:2	60:24	203:8	16 23:1
	36:15, 16	67:7	239:4, 6	24:20
pretty	37:6 38:1	73:10	240:24	25:9, 12,
38:14		103:19	254:21	24 37:19
54:11, 16	prior	104:23	271:1, 3	47:17
58:1	51:25	133:9	279:6	48:5
81:11, 16	101:11	172:23	285:1	88:2, 4
94:21	136:17, 19	177:21	287:15	97:11
95:8	163:19	187:16	290:22	98:4
101:24	164:22	209:21	308:24	279:24
103:16	182:5	234:7	311:6, 7,	336:21
126:24	215:19	305:14, 15	13 312:6,	348:8
128:7	247:9	323:21	23 315:4	
131:22	248:14	326:7	317:2	program
194:20	259:20		319:13, 14	12:22, 24,
195:24	277:5	problems	322:1	25 13:5
216:2	318:11	72:17	325:4	26:3, 9
238:3	338:2	296:12		27:1
240:14, 21				31:23
247:23	prioritizin	procedures	processing	32:13
276:20	g	81:9	44:6	33:12
312:10	93:14	133:3		36:19, 25
346:10	priority	proceed	produced	37:2, 5
	93:14	10:3	7:8	39:19
prevalent		77:17	138:24	49:3, 5, 7,
165:22	privacy	167:7	150:24	18, 22, 24
208:24	139:9	183:10	151:24	50:1, 5
	151:6	237:1	152:21	52:8, 9, 11
prevent	162:19	294:19	162:15	55:17
105:23		330:9	223:3	57:18, 20
106:14	private			58:5 60:8
251:14	42:21	process	product	61:25
300:13	privilege	37:24	85:8 87:1	62:4, 6
	331:14	57:13	255:6	64:20, 21
preventing		60:20, 23	production	65:19
107:3	privileges	66:7	151:22	68:12
299:7	113:23	87:22	218:23	70:10
		90:11, 14,	313:13	72:1
previous	pro	20 93:21	316:14	73:15, 20
43:19	209:10	96:6, 10	325:19	78:13
335:20		111:14		79:11, 13,
	proactive	112:10	products	22, 25
previously	65:25	115:4	85:9	
153:12	probable			
191:9	160:2			
216:22				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: program's..provide

80:14,22	190:2	program's	projected	139:8
81:12,14	192:11	339:15	154:1,4,	151:6
83:6,16	193:22	343:17	16	162:19
86:1,6	194:5	programs	155:10,	protected
87:17	198:3	49:24	16,19	331:13
89:5 90:5	205:8	59:17	156:1	protective
91:22,23	206:3	61:6	159:23	151:21,24
94:4	216:15,17	62:25	projecting	protocol
96:14,21	217:19	63:6	340:6,8	67:2
100:14	222:6	64:2,16	projection	133:14
102:7	227:13,14	74:10	160:3	248:17,19
103:23	228:23	83:8	projections	protocols
105:14,	235:2	85:12	224:3	277:7
15,18,19	237:4,6	95:12	prompted	prove
106:7	242:23	96:17	195:21	109:3
108:17,22	252:1	99:5,11	proportion	provide
112:7,22	257:7,22	115:8	169:23	7:23
114:15	258:6,8,	120:2	proportiona	55:3,7
115:6	16,20	121:17	te	61:5
117:6	261:8	124:17,21	205:7	64:15
121:12	262:23	134:7	proposal	73:14,17
123:6	263:8,19	137:14,17	182:5,18	78:21
127:16	267:6	168:7	185:15	81:10,13
129:6,17	269:21	196:7	192:21	94:19,23
130:6	282:3	207:5	194:24	95:11
131:12	284:12	221:11	347:7	97:16
135:3,21	288:1	254:8	proposals	104:2
136:4,16	290:20	280:6	102:4	111:24
137:19	298:2	302:19	proposed	117:6,20
138:25	300:19	308:7	100:20	148:15
140:18	301:8	314:10,18	101:21	168:15
150:24	303:15,22	317:10,11	202:17	173:14
151:3	305:10,22	322:25	257:13	185:2,8
152:21	306:13,22	progress	proposing	187:1
159:12	308:23	109:3	187:15,19	194:24
161:17	309:13	177:11	188:2,16,	202:2,17,
162:15	311:3,14	322:23	18 195:7	19
168:19	317:21	project	345:16	203:22,24
171:15	328:18	246:9	pros	205:6,22
176:10,	331:17	247:3	237:17	217:10,
13,17	335:7	project-	protect	23,24
177:1	337:6	based		229:1
178:7	338:7	246:21		233:9,13,
179:11,	339:18	247:2		20 234:3
19,25	343:23			
181:2	349:3,4,			
188:1	10			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: provided..purposes

243:14	230:9, 22	295:22	270:15	psychothera
251:14	237:25	303:19	320:5	pist
253:9, 25	238:13	306:14		38:18
254:7	257:6	308:9	psychologic	39:17
282:17	279:13	311:14	als	46:6
283:11	283:9	326:17	25:17	47:18
284:17	284:11		44:23	
285:7, 15	285:2	provisional	82:11	PTA
287:2	290:6, 7	280:4, 5		204:19, 21
289:1, 8	291:24	348:6, 7,	psychologis	205:6
292:21	292:19	14, 25	t	
293:20	303:6	349:6, 16	23:9, 14	public
296:17	326:13		38:19	18:17
299:12	335:18	provisional	39:18	152:2
301:15, 24	351:11	ly	43:15	pull
306:2, 6		279:20	46:7, 18	108:4
312:16	provider	348:4	47:1	146:25
319:23	65:24	349:9, 16	48:6, 8,	291:25
324:4	256:12	PSC	10, 17	310:20
336:19	providers	24:19	49:4, 19	346:19
344:12	126:9	25:4 26:2	50:3, 8,	
349:4	213:24, 25	348:14, 23	13, 18, 20	pull-up
	253:23	349:5, 6	268:11	354:4
provided	254:3	pscyh	269:10	pulling
38:4 51:5	283:4	38:12	270:2	139:25
58:22	302:10		271:18	346:25
70:18	303:3, 5	psych		
73:16		24:23	psychologis	purchase
76:20	providing	259:3	ts	247:6
98:20, 22	13:25		46:2, 23	339:2, 4
108:18	29:20	psychiatris	270:9	purchasing
110:8	30:19	t		81:20
116:20	54:20, 21	305:11, 16	psychology	
117:10	55:14		20:5	purpose
121:14, 17	87:22	psychiatris	21:19	36:1
139:4	94:17	ts	24:25	83:12, 13
140:5, 9	143:8	289:10	25:19	105:17
149:24	157:15	psycho	26:22	106:7, 12
151:12	185:19	74:5, 10	38:23	122:23
158:14, 25	186:13		40:4	199:23
167:9	202:24	psychoeduca	psychopatho	215:23
184:14, 22	213:18	tional	logy	
190:15, 16	230:9, 24	49:6	24:4	purposes
194:20	256:20	psychologic		69:1
208:7	282:19	al	psychosomat	118:5
222:13	287:16	39:9 40:5	ic	151:13
223:12	293:16	41:8	54:21	239:21
		43:4, 9, 16		243:21
				264:24

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: pursuant..reach

303:11	155:14	284:7	34:15	ranked
pursuant	177:12	310:25	155:14	95:15,17
6:1	187:25	326:3,12	quote	rape
pursuing	189:13	327:4	184:25	109:15,16
20:16	pyramid	329:18	186:11	rare
put	283:14	331:16,22	253:23	232:5
85:3		questions		rarely
103:14,18	Q	7:22,24	R	160:20
104:24		9:7,12		299:20
114:21	QB	11:22	R's	rate
133:2	101:4	12:8 14:5	54:24	69:10
155:22	qualificati	30:3,4	racially	172:1,8
164:24	ons	57:24	130:12	205:15
173:2	164:16,17	59:15,16	radar	241:14
177:16	348:11	67:2	208:23	rates
181:10	qualify	86:22	raise	173:20,23
183:12	291:16	115:5	204:25	rating
187:17	quantitativ	125:24	205:1	85:16
188:6,14	e	257:22	320:22	86:15
189:1	67:15	301:5	Raised	90:25
196:19	Quest	325:15	58:25	92:9
202:15	49:4,11,	329:1	59:14	93:17,19
206:14	13 50:1,	338:17	Ralph	95:12
209:17	21 51:19	341:12,	59:20	329:14
211:22	61:13	14,25	Rame	ratings
212:7	74:1	349:21	83:6	69:11
215:21	question	351:2	180:23	85:22
229:16	8:2,4,8,	353:21	182:17	92:13,21
230:8	17,24	354:2,9	194:8	93:12
239:17	9:17	quick	197:21	94:21
272:14	175:7	89:17	198:25	95:15
286:22	186:6	120:24	214:16	RBT
288:20	195:2	151:19	249:10	74:17
289:16	212:9	199:6	347:11	279:5
291:12	225:11	322:20	rampant	RBTS
293:7	226:19	331:11	115:25	203:24
320:2	231:16	338:17	116:12	237:17
327:10	234:24	341:2	range	re-break
puts	235:3	quicker	62:17	85:22
339:16	255:1	231:11,13	146:8	reach
345:6	258:4	quickly	277:22	247:17,18
putting	270:12	325:20		252:3
29:20	279:15	354:15		
85:25		quit		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: reached..record

345:8	331:11	252:6	309:12	246:17
reached	reality	257:14	313:12	252:21
123:24	70:2	329:10	316:12	261:15
295:14,15	realize	345:19	325:17	309:24,25
reaching	141:6	346:6	336:1	313:17
251:16	209:10	351:17	342:10,	316:22
256:5	reallocatin	recap	11,13	325:22
read	g	238:16	receives	recommend
40:19	101:2	255:15	217:15	72:9
59:3,9	reason	recapping	237:6,8	322:24
89:15	9:10	217:3	256:15	recommenda
203:13	34:19	receive	receiving	ion
204:9,11	54:24	14:3	144:11,	102:12
206:23	56:3	18:19	17,24	112:2
209:11	69:22	20:1,11,	145:7,9	322:6
223:10	137:15	15 21:3,6	146:1	344:5
320:4	143:13	22:5	174:4,10,	349:12
355:3	148:17	57:14	20 226:8	350:21
readily	158:14	61:9	237:13	351:22
34:24	168:23,24	144:13	253:25	recommenda
74:4	169:16,18	173:21	255:2	tions
reading	177:8	201:16	256:4	51:6
209:25	210:4	237:7,9,	286:11	111:25
238:1	238:11	12 239:5	303:9	258:23
reads	247:22	256:17	recently	259:8,15,
38:13	287:21	257:17,19	22:23	19 260:4
216:12	330:18	292:24	96:19	312:17
ready	339:13	337:1	288:2	recommended
reasons	reasons	342:8,22	300:12	117:17
57:10	110:13	345:5	recipients	173:14
89:20	136:25	received	250:10	244:16
120:25	recall	19:6	recognize	259:11
162:24,25	13:10	20:5,8	19:7	260:9
164:1	16:7	21:22	89:8,9,	319:10
183:4,15,	51:13	89:4	12,25	recommending
16 196:12	84:16	143:16	139:10	g
214:24	106:9	145:15	152:8	191:10
219:3,4	112:13	151:2	163:1	recommends
242:11,12	196:13	157:5	178:24	348:23,24
real	215:21	218:21	183:18	record
59:15	219:19,	220:8	199:11	6:6,22
75:19	23,24	248:3	215:1	7:19 8:22
151:19	221:7	254:10	219:5	9:14,23
230:5	251:22	256:14	242:13	10:3
		279:23		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: recorded..related

29:11	redundant	200:12	115:8	179:7,9
30:5	88:9	211:10	187:5	reintegrati
52:17	reevaluated	259:6	registered	on
77:11,13, 17 133:12	209:23	297:1	74:17	114:22
145:23	reevaluatio	298:13,14	regs	115:4
148:1	n	referring	240:16	122:20
166:25	148:18,23	13:3	241:4,6	131:2,4
167:2,7	149:8	17:3,7, 12,16,20,	245:20	132:4
179:23	refer	24 18:4,	regular	178:21
183:6,10	72:3	8,12,17	36:3 45:3	179:2,3, 4,5,16,17
236:22	285:9,12	47:15	145:18	180:18
237:1	300:8	65:18	146:2,4	181:6,16,
239:9	reference	113:10	168:20	18 198:14
258:1	322:13	122:4	169:15	199:2,15,
294:13,18	327:4	124:22	292:25	24 200:2
327:2	referenced	179:15	regulate	201:20
330:1,3,8	216:9	184:21	54:22,23	203:1,9,
353:25	311:10	207:21	56:2,25	11,18
354:5,16	313:24	227:22	57:9	208:12
355:19,20	315:19	298:9	regulating	213:6
recorded	325:5	314:5	287:17	214:15,17
106:20	352:9	316:4	336:22	215:6,23
264:23	references	317:1	regulation	216:10,
recording	268:19	322:1	57:2	13,15,20
8:21	referencing	326:21	243:22	217:2,17
records	38:17	327:2,16	287:15	218:3
89:22	251:9	reflect	regulations	219:8
107:15	referral	212:18	185:1,7,	220:14
108:2	111:13	reflected	22 307:16	227:12
133:16	283:2	140:7	reinforcers	232:16,17
151:22	287:8,9,	reflects	31:12	234:21
169:19	11	224:1	319:19	Reintegrati
171:15,22	referrals	refresh	reintegrate	ons
178:2	32:3	58:21	123:5	218:19
redact	298:11,	refreshers	220:20	reiterate
151:16	22,24	58:14,17	reintegrate	14:7
redacted	referred	regard	d	relate
139:5,7	12:25	21:14	180:5	54:23
151:4,9	31:16	179:18	227:10	56:2
152:5	47:22	240:3	329:12	related
162:18	104:20	regional	reintegrati	11:23
redone	119:25	17:20	ng	16:12,15
197:4				129:16

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: relatedly..require

168:25	235:19	6:17,18	reporter	representin
171:22		355:23	6:18,23	g
179:24	remediate		8:21 9:2,	6:19
180:4	29:21	removed	19 10:9,	334:3,8
227:9	remediation	42:15	13 18:23	
232:1	30:20	54:3	88:17	request
260:5		220:24	120:5	57:6,12
	remember		138:10	107:15
relatedly	35:10	renew	150:13	111:19
169:13	59:22	22:9	162:5	223:3
334:12,20	64:14,23	renewable	178:11	246:8
336:5	72:25	280:2	182:8	256:11,23
	74:6,12		198:16	257:15
relating	80:9	renewal	214:5	311:19
12:20	81:15	23:16	218:9	312:24
	84:5,17,	25:5,15	222:20	313:10,
relationshi	21 87:17	348:12	241:18	12,23
p	116:5,7	renewed	245:25	314:15
78:11,23	121:1,4	26:13,14,	249:1	315:9
	123:11	16	252:9	345:7
relationshi	150:5	renovations	309:1	350:25
ps	154:10	197:8	313:3	
107:18	156:14	rent	316:5	requested
relative	184:18	238:9,12	325:7	234:6,7
98:6	188:6		343:6	256:17
relay	193:13	repair	355:5,13,	311:18
295:25	194:23,25	56:1	17	333:23
release	196:14			requesting
108:2	198:2,5	repeat	reports	57:8 89:6
302:13,14	208:19	225:11	40:6	152:22
324:17	215:13	repetitivel	43:10	158:10
	220:4,5	y		309:14
released	221:23,24	60:22	represent	311:21
324:22	228:3		7:16	
relevance	252:2	rephrase	225:3	requests
46:24	254:9	8:4	286:24	51:4
	256:25	report	341:21	333:6
relevant	262:13	43:15,17	346:1	
103:4	297:13	77:24		require
130:19	304:16,24	78:3	representat	68:5
185:14,17	315:25	81:23	ion	137:22
186:24	330:21	177:24	140:6	168:4,13
322:22	352:18	235:2	representat	170:6
		338:9	ive	184:15
relocation	remembering		349:25	185:20
120:17	204:20	reported		187:11
122:20		265:1	represented	203:20
remaining	remote	338:12	147:19	207:24

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: required..review

234:8	requiring	355:22	316:13	193:20
290:24,25	56:7	resident	325:18	196:6
325:1	308:3	224:5	responses	310:15
required	RESA	residential	251:20	results
22:15	15:7	106:14	responsibil	88:7
23:4,17	17:19	107:23	ities	reteaching
24:21	52:3	109:18	27:21	37:24
25:21	77:22	308:5,15	37:4,7	237:21
56:5	78:12,17,	324:19,23	49:21	retire
62:11,18	24 115:23	residential	82:2	165:9
64:3,5	117:22,25	ly	84:19	retired
93:7,9	118:2	105:24	responsibil	62:10
105:7	119:1,21	107:22	ity	71:3
165:2,8	243:4	resolved	156:22	164:19
170:3	247:20	320:21	216:4	193:11,13
185:2	248:21	resort	responsible	267:8
191:18	265:16	335:9	84:22,24	return
197:8	342:4,6,	resource	rest	176:2
207:25	20 344:6	128:11,	99:10	195:1
217:22	349:13	12,15	313:19	225:1,21
229:14	353:10,13	188:22	restorative	260:24
234:3	RESA's	191:13,23	289:15,21	314:24
259:10	120:2	195:15	restraint	315:1
279:2	RESA/	resources	335:2,14,	317:14
318:13	LEARNING	62:18	16 336:8,	returned
319:24	52:8	104:18,22	25 337:7,	176:3
329:8	rescue	352:21	12,15,16,	225:16
338:20	269:18	respond	24 353:7	226:8,17
requirement	research	248:5	restraints	reveal
25:2	85:1 86:3	responds	224:17	14:8
46:14	90:21	55:5	230:11	revealed
285:11	208:21	response	335:8,22	288:10
329:13	243:10,	8:24 89:5	337:18	reverse
352:4,5,9	18,19	138:25	338:3,6	170:13
requirement	research-	152:22	restricted	review
s	based	218:21	233:12,15	11:16
25:3,6	245:17	223:3	234:9	15:12,15
258:10,	researcher	235:3	restrictive	38:10
13,19	107:6	248:2	185:4	171:22,23
requires	reserve	256:23	result	176:8,25
22:17	15:2	309:13	93:12	239:19
23:21	reserved	313:12	109:7	317:24
185:7	9:17			
348:19				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: reviewed..schedules

reviewed	73:1	74:20,21	260:7	Samantha
192:12		103:14	348:15	299:10
328:13	rise	128:12,		
	161:2	15,20	run	SAMS
reviewing	risk	155:17	16:22	129:1
11:1	29:17	156:2	34:22	
183:14	Risley	191:17,18	131:23	Samuel
reviews	197:2	211:4	173:12	180:14
149:8		247:1	194:1	Samuels
	River			199:1
revised	49:4,11,	rooms	running	Saniga
66:5	13 50:1,	56:5 74:8	82:7	6:18
revolve	21 51:19	76:7	108:10	
82:12	61:13	336:10,12	124:8	sat
	74:1		130:16	132:10
REX		Ross	263:13	
197:2	Road	66:3		Saturday
Richard	196:25	70:3,8	runs	237:17,21
14:22		196:25	152:17	
15:3	rocking			Savannah
77:21	280:11	rotate	rural	128:25
78:6	role	156:21	172:20	288:4
100:23	27:7	rough	283:24	308:8
	36:14	87:19		
rid	46:10	199:16	<hr/> S <hr/>	saved
129:2	49:13,15			352:24
211:8	80:21	roughly	S-E-G-S	SBA
	81:22	147:11	144:7	202:9
ride	97:22	172:1		scale
127:2	98:16	337:23	sabotage	85:11
132:23,24	103:25	route	113:24	
	119:5	167:25	sabotaging	scan
rides	181:3,5,7	348:9	114:1	120:24
	302:1	routes		162:23
ridiculous	350:12	168:4,12	SACS	scenarios
99:25		344:25	24:24	319:8
100:5	roles		25:22	322:5
	26:11	Rowland	safe	schedule
rights	50:19	198:6,7	113:20	56:4,9
42:13	51:19		126:5	168:25
rigid	84:8	rule	173:12	292:1,2
70:7		105:8	287:25	294:1
75:25	rolling	112:8,12,		344:25
245:22	233:24	21 161:7	salaries	scheduled
	room	335:17	240:6	8:15
rigor	15:2	336:1	salary	293:18
211:1	55:25		259:7	
ripple	57:5,12	rules		schedules
		112:9		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: scheduling..scroll

74:22	111:2	12,14	339:8	screaming
75:13	113:20	195:4	344:12	114:9
333:12	117:15,	196:10	348:21,23	screen
344:22	17,24	213:14	school-	10:8,12,
scheduling	118:8,11	224:1,3,	based	19 14:4
344:21	120:17	17 225:1,	117:13	88:16
school	126:10	7,15,16,	134:24	96:25
18:2	128:11	22	135:4,6,9	138:18
20:4,23,	130:9	227:17,22	189:10,	178:10
25 21:18,	134:21	230:7	11,12,17	182:7
19 22:18,	135:6,7,	234:4	282:19,23	183:13
21 24:2,	8,9,22	237:17,22	283:3,8,	235:24
8,23,25	136:4,5,	238:19	20 305:9,	260:24
25:18,20	17,19	241:6	22 306:5	308:25
28:1,2,6	138:22	251:5,25	308:13	310:25
31:25	139:17	259:3	schools	320:17
32:14,22	140:19	262:2	18:5,17	330:1
33:3,16,	141:14,18	264:6	31:22	346:23
18 34:7,	142:2,6,	266:12	36:3	Screeven
13,23	13 145:19	268:11,	128:10	42:23
35:3,4,5,	146:5,10	20,21,22	130:6	scroll
13 36:9,	149:5,22	269:6,10	145:8	19:9,14
16 38:12,	150:1,2,	270:1,8	150:4	120:20
19,23	8,9,23	271:15,20	172:19	122:3
39:18	153:14,	275:2	184:10	123:10
40:3 46:7	18,20	276:13,16	187:9	139:12
47:6,7	159:12	278:12,	204:21	152:17
48:5,8,9,	162:14	17,21	205:6	153:2
16,19,20	163:16,18	279:16	206:2	182:21
49:4,18	164:21	282:24	323:25	183:3
50:3,8,	165:24	285:22	324:1	192:14
13,18,20,	166:6	288:1,17	347:9	206:25
25 51:5	167:15	291:24	scope	214:23
58:9	168:20,23	292:17	11:16	219:1
62:4,8	169:5,6,	295:20	scores	221:18
66:8 67:3	23 170:2,	297:10	40:9,10	224:21
72:14	20 171:18	302:15	44:5	242:10
79:12	174:1	306:1	95:17	249:16
80:5,15	177:24	312:23	Scott	266:3
91:11	178:1	315:14	39:4	272:12
96:7	179:24	323:13	41:15,23	274:18
100:12	180:2	324:4,10,	42:10	280:24
101:4	184:17,22	13 331:17	47:11	313:18
102:6	185:2,7,	336:21	51:16	316:19
107:21	25	337:22,23		325:20
110:4,22	189:14,18	338:2,10,		
	193:1,8,	13,15		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: scrolling..served

scrolling	sections	76:14	245:7,12,	12 137:3,
89:21	216:12	94:2,4	13 251:3	5 203:19
123:19	323:7	113:24	255:14	232:19,21
215:11		154:8	268:21	233:8
262:20	secure	177:24	269:4	272:4
268:8	287:25	202:7,8,	271:6	283:25
270:18	seeds	19 228:4	287:24	286:24
272:23	247:15	243:19	291:19	304:10
347:4	segment	253:5	307:1	307:9
SDD	165:11	292:15	327:20	308:18
160:16,21	segments	323:12	344:16	served
SDI	144:10,	346:8	sensitive	32:13,20
28:20,22,	11,13,17,	355:8	230:11	36:18
24 30:8,	24 145:24	sending		38:7
15 326:10	146:4	32:5	sensory	49:3,12,
seat	159:10,	190:20	54:22	15 65:19
141:11	11,15	194:18	55:5	82:23
seats	165:13	326:4	243:7	83:1
141:3	235:1,6,	355:10	287:16	97:19
153:13	16,22	sends	sentence	110:14
154:19	segregated	80:7	251:4	115:10,12
seclusion	186:15	107:15	separate	116:17
335:2	SEGS	senior	142:24	118:11,13
336:6,9	144:7	63:16,18,	184:17,22	136:3
337:7	SEL	25	189:13	140:23
338:8,9,	283:17	sense	September	141:8,9,
13	289:17	40:21	156:14	15,19
secondary	326:11	47:11	sequential	143:2,12
338:19	select	67:23	53:14	144:20
339:9	61:3	87:11	57:16	146:9
secretary	self-	92:2,5	series	147:15
22:13	assessment	118:4	7:21	153:5,12,
116:5,6	85:13	126:1	57:19,21	14 157:4,
153:21	90:25	141:13	112:17	9 159:19
155:21	92:9,13,	147:10	serval	163:12,
157:18	18 93:6,	154:23	47:22	14,22
section	20	155:3	serve	165:16
44:1	self-	157:2	27:15	187:3
76:20	contained	173:3	66:15	191:6
87:16	128:12	189:4,15	80:5	217:13
217:4	200:3	192:6	115:16	224:25
324:7	send	202:6	117:2	229:2,8
	11:15	203:4	135:16	239:8
		224:8	136:7,11,	272:1
		235:12		311:3
				343:24

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: serves..sharing

347:25	126:22	293:17,20	312:6	settings
serves	127:24	295:21	314:19	18:5,16
135:14	128:2	296:3,8,	317:20,25	180:6
137:4	130:6,25	23 299:13	335:10	186:16
285:24	131:21	300:15,23	351:8	190:18
	137:21	301:15	352:16	208:11
service	143:9,12,	303:6,8,	353:4	217:5
17:20	24 145:5,	10,13,23		229:3
19:21	6 157:12,	305:6	sets	234:14
24:17	16,23	306:6,14,	112:21	303:21
28:15	158:13	19 308:3,	259:14	
98:22	169:11	9 309:11	310:17	setup
113:6	173:15	310:5,8,	311:1	62:12
126:9	174:10,20	24	335:12	severe
144:10	184:8,14,	311:15,16	setting	69:18,21
158:7	22 185:3,	312:19	66:14	308:2
204:4	19 186:14	315:2,9,	68:8	shadow
213:23	187:10	24 317:15	109:2	108:15
254:5	190:14	318:4	111:11	
256:12	191:11	322:11	128:12,	share
261:13	201:17,25	323:9,18	14,20	10:7
300:18	202:4	324:6,7	143:12	88:16
306:6	207:18,19	325:16	159:2	101:20
serviced	213:18	329:11	174:22	178:9
254:5	216:24	345:5	179:10	182:6
	221:21	350:25	181:19	205:7
services	237:12	351:3	187:25	260:24
13:25	252:19,23	352:23	188:20	308:25
14:3	253:4,10,		191:2	331:8
18:19	18,23	serving	192:2	346:22
32:10	254:1,2,	27:9,11	200:1	
37:8,11	7,18	31:20	202:5	shared
38:4 41:5	255:12,	35:16	205:24	10:6
56:6	16,21	50:19	206:4,21	314:9
81:18	264:2	83:25	207:8	328:18,
83:19	269:22	180:9	210:14	19,21
84:23	270:10	set	211:15,16	sharing
88:4	271:25	41:25	213:6,14	14:4
104:21	279:13	69:2	217:22	88:13
105:21,22	282:16,20	74:25	218:20	96:24
108:16,17	283:5	76:2	233:14	121:10
110:7	284:11	99:11	235:8	166:23
111:5,6	285:15	112:6	296:20	235:23
112:23	286:12	132:3	304:11	257:20
116:20	289:1,5,	181:20,25	308:11	282:14
117:7	7,21	286:3,6,7	345:17	314:25
123:6	291:24	295:16		317:13

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: Shaun..size

329:25	63:17	249:7	126:24	197:11,
Shaun	193:10	252:15	131:22	17,18
101:18	shot	261:1	137:17	227:19
she'd	248:15	309:8	157:4	237:18
257:10	298:10	313:9	226:12	263:12,14
		325:13	284:15	272:2,5
sheet	show	shrink	314:21	285:3
129:25	18:22	140:13	328:12	286:15
	88:15			297:11
sheets	120:3	side	similarly	298:3
88:6	138:8	124:3	152:24	299:11
258:25	143:4	131:7	174:17	302:5,20
shew	146:19	141:25	simple	318:17
88:10	150:11	155:7,14	55:9,10	330:12,15
	154:23,24	164:6	119:8	331:1,5,
shift	182:4	352:11	SIS	25 333:7,
105:13	198:15		107:21	13,19,24
shifted	214:3	sight		334:4,9,
99:20	218:8	209:13	sister	14,16,24
	222:19	sign	109:15	
short	226:10	79:3		sites
71:21	241:17	149:17	sit	33:23
77:14	245:23	315:15	66:9,24	38:8
101:6,7	248:24	355:3	93:22,25	118:17,18
116:13	252:8		100:4	126:23
167:4	313:2	sign-in	179:13	173:9
183:7	315:21	88:6	site	189:17
294:15	325:3	SIGNATURE	33:24	196:5
330:5		355:22	37:9	287:14
	showed		96:9,21	289:9
short-term	11:14	signed	116:14,	sitting
107:13		79:7	15,16	209:8
108:7	showing	124:13	118:16,18	307:25
	10:21	240:25	126:17	
shortage	19:4	284:23	134:18	situation
348:17	88:24	302:12	137:4	318:21
shortages	120:11		143:14	situations
156:15	138:16	significant	146:9	110:5
349:18	150:20	107:7	159:14,20	319:5
	162:11	160:19	160:3,12	320:11
shortened	178:17	161:14	165:23	
168:23	182:15	233:2	168:9	sixes
	198:22		172:3,5,	157:17
shorter	214:12	signs	17	
100:6	218:16	73:5	173:13,18	sixth
	223:1	similar	195:10	209:10
shortest	241:24	36:14	196:3,5,6	size
174:8,13	246:6	71:24		114:25
shortly				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: sizes..specific

259:11	28:2	software	source	103:7
sizes	128:10,11	205:23	266:3,17	105:20
260:9	191:1	206:2	269:13	108:23
skill	192:2	339:4	275:9	109:11,13
57:10	193:16	solely	sources	146:20,21
326:15	209:8,15	135:17,19	237:5	149:4,9,
	211:2		238:24	11,17
skills	smallest	solution	260:3,4,	158:12,
39:13	116:16	87:18	16,18	13,25
41:19	Smith	187:15	282:5	185:10
56:24	14:23	solutions	South	192:10
67:1	15:4	6:20	295:2	193:11,15
190:11	41:23	65:25	Southern	194:6
191:20	77:21	solve	20:2,17	251:6,15
202:20	100:23	60:24	21:2,8	260:7,8
207:25	Smith's	103:19	sp	265:2,12
209:4	78:6	104:24	170:25	266:23,25
212:19	SMMS	177:22	space	267:7
289:19	150:4	somata	56:14,18	315:12,
skillset	smooth	243:7	60:13	13,16,17
39:17	122:1	287:16	287:19	317:24
skim	smoothly	somatosenso	326:16	324:1
223:10	123:3,8	ry		333:6
slap	snuck	55:3	Spalding	339:24
86:12	101:12	56:11,12	74:11	350:13
SLD	social	soothing	speak	specialist
148:2	40:10	57:4	8:23	19:23
208:21	43:24	sort	14:20	20:8
209:5	44:7 62:8	85:11	15:8	80:22
slightly	133:10	349:4	127:12	103:23
137:1,25	190:11	sound	special	192:11
slow	191:20	270:23	27:13,16,	265:2,13
227:4	202:17,20	sounds	22,24	267:1,7
slowly	207:25	16:10	28:9,12,	specialists
228:15	208:3	55:16	21 29:3,	242:23
small	212:1,11,	93:22	22,24	266:23
28:1	13,17,19	102:4	30:1	specific
76:25	214:1	170:18	31:21	23:25
173:9,10	251:13	171:10	32:3,18	28:22
282:25	273:23	201:6	38:6 41:2	30:11
283:1	274:6	238:16	67:23	37:9
smaller	326:17	294:11	82:15	67:12
		295:13	84:12	72:16
			101:17	87:12
				148:2

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: specifically..start

149:16	142:19	10 203:23	118:5	17:24
158:15	spoke	205:2,12	156:15	standard
239:21,25	14:12,22,	216:3	224:12	40:8,9
253:12	25 43:7	221:22	257:22	311:6
256:10	195:13	230:10,11	258:5,7,	315:4
289:4	spoken	231:1	9,18	317:11
336:6	15:10	237:14,	260:5	319:12,14
specificall	spot	16,22	262:3,4	322:1
y	285:7	238:22	275:2	354:18
16:15	spreadsheet	240:6	276:16	standardize
24:24	138:22	250:12,17	305:15	d
28:22	139:23	251:18	333:22	38:3 51:2
30:10,11,	150:22	256:9	348:17	standards
14,16	162:13	260:17	349:18	24:20
115:19	spring	269:22	stage	35:13
134:4	143:14	270:2	45:15	279:24
227:14	staff	273:15,23	287:19	317:2
275:6	28:14	274:7	stages	339:6
specifics	33:21	275:18,21	90:10	348:8,16
81:16	34:4	276:23	stakeholder	standpoint
spectrum	37:18	277:15,24	s	45:8
169:10	58:6,17	278:1,7,8	84:12,17	107:6
SPED	59:3,5	279:3	87:21	210:8
315:10	63:25	281:8,11	112:18,19	326:11
321:2	65:22	303:12	133:17,24	stands
speech	72:14	305:25	stamp	60:12
145:4,5,	76:9	306:2	182:25	147:22
13	81:12,24,	312:18	214:19	148:24
Spencer	25 82:16	331:6,7	218:25	start
272:25	88:6	333:17	223:8	9:8
273:18	111:2	334:2,7	242:4	113:25
spend	116:1,14,	336:14,19	246:12	133:5
216:7	17,18,22	337:1,17	stamped	141:6
243:13	117:8,18,	342:21	120:20	153:1
332:19	21 125:4,	343:15	178:23	168:20
spent	5,6,7	staff's	199:4	183:21
307:17	127:5	staffed	249:14	187:6
spin	132:11	116:13	stance	189:3
68:9	133:15	187:22	286:19	192:1
124:24	142:7	staffer	stand	199:21
170:1	171:17,21	268:14	30:9	203:2
split	173:6,11,	staffing	160:13,18	217:20
	18 190:20	82:8	standalone	227:3
	202:7,8,	115:24		230:6

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: started..Steve

242:15	93:25	257:5,8	38:17	stayed
311:9	94:12	260:6	106:10	175:14
started	95:11	263:5	states	staying
13:9,11	97:13,24	264:8,24	6:11 7:1,	25:24
33:9,16	99:23	266:5,19	16 9:15	steal
34:5	100:12	267:20	12:15	56:3
73:24	103:20	268:1	13:20	step
86:15	105:8	270:21	15:9	29:7
110:19	111:4	275:14	71:7,8	39:15
111:22,25	112:6,8,	276:11	79:1 89:5	72:4
132:25	9,12,20	279:24	138:25	105:16
163:17	116:6,9	281:21	151:13	184:2
190:5	119:3	282:10	152:21	187:18,23
196:10	122:15	287:18	162:15	188:12
229:12,14	127:24	301:7	218:22	195:15
230:9	137:14,16	306:11,	323:21	201:15,19
237:17	149:6,19	12,17	324:14	203:6,7,
286:14	161:7	307:7	325:18	15,16
288:9	173:21	310:13	330:13	206:16,
290:4	174:4	317:10	333:7,13,	18,19
295:1	180:9	322:16	19 354:12	207:5
starting	184:13	323:3,4	statewide	208:9,16
109:19	185:1	328:18	97:2,4	210:5,8
192:4	186:9,11	329:5	98:4	211:25
243:8	187:8	334:3,8,	104:10	213:3
275:4	196:14	13,21,23	stations	229:16
276:10	197:6,25	335:17,25	75:8	248:16
state	198:10,	338:24	statistical	319:23
6:12 7:3,	11,14	341:14,21	108:19	step's
18 9:16	204:24	343:12,	statistical	319:24
12:15,20	237:8	13,18	ly	stepdown
17:2	238:17	346:11	107:5	324:20
19:22	239:2,5,	347:21	status	Stephanie
22:13	21,23	349:25	268:5,6	264:19
38:3	240:5,7,	350:10,	stay	265:1,23
47:19	16,18	13,17,19	29:22	266:7,16,
48:18,19	243:25	353:15	113:15,16	22 312:21
51:1	244:6,7	354:13,21	172:22,25	steps
64:7,11,	245:4,9,	state's	173:5	201:14
15,18	14 246:21	22:14	174:9,19	215:22
71:10	247:6,9,	95:12	182:2	Steve
78:18	16,17,23	stated	228:22	312:20
79:9	248:1,6	199:23	288:13	
82:24	249:22	240:2	333:24	
90:3	250:15	statement		
	253:20			
	256:19			

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: Steven..students

Steven	181:4,9	30:18,20,	218:19	70:12
267:1	310:10,14	21 31:1,2	224:22	71:9,17
	314:5,7,	35:2	226:17	104:23
Stevenson	16 317:6	37:22	232:3	107:11
80:8,20	328:14	55:20	237:11	112:25
94:14	329:6	56:6 67:8	239:8	113:4,18
97:14	351:9	69:5 70:7	288:2	116:22,23
Stewart	352:11	74:2	290:19	123:24
137:8		82:17	292:18	124:11,
301:23	strategies	105:10	293:4	17,22
	76:10	108:21	298:14	125:9
stop	327:23	110:12	311:2	126:11
14:4		111:12,18	312:15	127:11,14
96:24	strategy	112:2	315:6,20	130:5,8
111:9	327:18	113:3	316:11,25	132:7
166:23	stream	114:7,8	318:6,22	133:15
235:23	100:13	138:21	322:7,16	135:11,
257:20	101:22	139:7,16,	324:22	16,20
282:13	street	19 140:7	326:4	136:11,
291:17	130:8	143:3,5,	327:6	12,16,18
314:25	197:3	10 144:13	329:9	137:13,16
317:13		149:10	339:18	138:1
329:25	stress	150:21	345:5	139:9
	71:16	151:23	351:1	140:17
stopped		157:4,6,9		141:2,9
95:22	strict	160:25	student's	142:18
96:21	245:22	161:1,3	31:4 61:2	143:2,6,
114:12	stricter	162:12	72:17	16
258:24	241:4	163:4,14	203:8	144:16,
288:8	structure	167:19	234:13	20,24
story	74:20	169:22	student-	145:3,15,
40:20	76:8	170:14	wide	24
305:20	85:25	171:18	130:4	146:14,23
straight	211:21	174:10,20		151:7
78:9	structured	176:21	students	153:5
191:12	73:20,23	178:2	14:1,2	157:10,
	74:24	181:24	29:16	20,25
strategic	75:9,10	191:11	32:4,8,11	159:11,19
64:4		199:24	37:14	160:9,24
83:1,4,10	struggles	200:6,11	44:11	162:20
84:20	231:3	203:11	51:7	163:8,15
85:21		204:7	55:23	165:12,16
89:2,24	stuck	208:12	56:21,23	167:10
90:2,7,	45:16,21	210:7	60:17,19	168:4,18
10,19	54:5	213:7	66:23	169:3,9,
93:21	71:10	217:5,14,	68:17,18	13,20
96:6,10	student	18,25	69:20	172:2,4,
180:9				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022
Index: students'..superintendent

22 173:5	253:10,15	56:3 65:5	90:3 91:4	212:2
175:5,10,	254:1,7	68:22	94:7	213:7
17,20	255:9	69:24	165:6	218:1
176:2,9,	270:11	81:20	270:24,25	228:18
12,16	271:7	86:23,24	274:19	231:6
177:1	277:12	94:22	335:15	296:21
179:7,18	282:19	109:19	337:19	305:12
180:4	285:9	110:25	353:9	successfull
181:18	286:10	149:17,18	submitting	y
184:15	287:21,25	224:14	87:6,9,25	220:20
185:10,	290:15,16	233:22	subpoena	sudden
11,16,19	292:24	240:20	11:4,6,23	132:7
186:14	293:2,17	263:21	12:10	209:4,8
187:11,24	295:22	287:22	89:6	suicide
189:7,21,	298:1,15,	335:23	139:1	73:3 82:9
22 190:1,	17 299:7	340:13,15	152:22	293:12,24
16 191:3,	301:16	345:1,10	218:22	suit
5,8	302:24	subbed	309:13	83:21,23
196:23	303:8,20,	164:20,21	316:14	summarizing
197:1	22	subject	325:19	188:17
200:3,12	304:10,11	67:13	subset	summary
201:16	305:5,7	120:16	191:7	44:9 82:6
203:19,20	306:14	178:20	substance	92:18
204:20	307:9	182:18,23	12:9 14:8	summer
205:1,19,	308:3,19,	199:2	substitute	98:5
24 206:1,	22 311:15	214:17	50:16	110:24
20 207:7,	324:5	246:9	success	271:10
10,12,13,	328:5	249:10	114:2,6,	super
23 210:6,	333:18,23	252:6,18	13,16,18	332:19
13,20,21	335:8	340:1	181:21	superintend
212:2	338:18	submit	182:1	ent
220:14	339:1,9,	85:16	192:3	15:1
225:4,15	14 344:13	88:2,10	211:24	127:5
226:20	347:24	108:6,9	213:21	184:10
227:9,11	students'	121:22	229:19	188:25
228:9,16,	333:12	239:13,	successful	194:6
23 229:1,	studies	15,16	112:24	205:5
7,13	208:3	247:13	113:5,19	345:22,25
231:16,22	study	253:13	200:2	346:9
232:7,19,	58:24	353:15	206:22	347:8,18,
21 233:13	59:13	submits	208:7,13	23
234:6,25	stuff	315:11	209:24	
235:4,14,	38:12	submitted	210:1,13,	
19 239:7	41:9	86:23	23 211:14	
240:13,18	45:21			
243:14				
247:4				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: superintendent's..talk

superintend	230:22	259:1	66:8 67:3	344:12
ent's	240:22		80:15	348:17
346:17	241:9	surface	109:9	
	249:11, 22	68:22, 24	117:1, 24	
superintend	251:2	surprised	120:17	T
ents	291:16	221:16	134:12	
78:9	306:13	survey	166:16	T-E-A-C-C-H
supervise	352:9	88:7	167:15	73:19
23:2, 14			168:11	T-TEST
271:5	supports	surveys	169:25	107:10
	18:9	88:7	171:19	108:10
supervised	28:16	survival	178:1	
23:8, 12	29:13	54:17	191:14	TA
50:9	56:8	55:1	249:11, 22	97:11, 16
supervising	106:4		272:7	99:14
50:7	114:22, 24	suspended	297:22	103:3
	131:25	172:25	304:2	table
supervision	199:25	173:1	324:14	75:3
23:24	200:14	suspending	343:10, 11	131:16
39:6	202:2	237:19	348:21, 23	
51:16	208:11			takes
supervisor	209:17, 25	suspension	systems	60:23
23:1, 20	210:7, 20	237:19	27:10	106:3
24:11	211:23		28:2 51:5	173:10
265:12	212:4, 17,	sustain	73:17	324:21
	20 213:5,	93:16, 17	101:4	348:22
supplies	8, 18	swap	128:11	353:20
240:12, 13	217:11,	118:24	149:5	
	15, 22	119:12	163:25	taking
supply	218:4	143:25	164:21	7:16
310:6	220:18		187:3	34:16
support	221:22	swear	197:14	105:16
12:22	229:15	6:23	202:18	187:24
13:5 89:2	251:14	switch	205:16	299:7
92:6	284:16	257:21	229:15	351:19
109:8	285:2, 14	282:15	234:2, 10	
117:20	287:8	308:20	237:13, 25	talk
133:15	290:24, 25		241:6	58:20
177:13	339:17	sworn	251:5, 25	60:20
179:13		7:8	278:13	73:12
187:12	suppose	symptoms	279:4	92:1 93:2
203:11	258:7	73:5	282:25	94:1
208:8	supposed	system	285:23	103:8
210:10	68:2, 4, 23	28:2	297:10	105:13
211:6, 7,	121:22	29:13	304:3	115:3
20, 21	200:5	31:25	306:1	119:20, 23
212:1	201:1	48:20	326:9	137:18,
217:11				19, 20

LISA FUTCH
UNITED STATES vs STATE OF GEORGIA

October 25, 2022

Index: talked..ten

164:1	325:6	216:4	276:9,14	tearing
178:7	329:3	251:1	278:15,18	299:18
201:11	344:4	326:15	279:16,	technical
212:14	talks	teacher	17,19	98:19,22
220:1	73:3,4,5	28:6	280:16	technically
237:3	93:13	51:21	292:5	26:9
244:18,	Tamara	52:12	343:1,2	68:22
19,21	270:20	69:10	348:4	190:23
275:5	271:1,17,	74:19	349:9,17	234:3
282:16	22	76:13,14	teaches	263:17
284:22	272:20,21	155:17	54:6	technician
288:24	274:8	156:1,9,	60:21	74:18
292:13	291:5	22 159:1	teaching	273:23
293:21	293:7,22	209:3,9	52:14	274:7
308:23	tardy	247:1	56:21,23	techniques
323:16	168:22	276:3,8	71:5	39:23
talked	target	278:19	73:23	336:15
58:12	34:8	295:24	312:4	tele-
64:8	312:5	312:4	326:14,	psychiatric
119:22,24	tasks	315:10,	23,24	289:13
132:11	49:25	11,15	348:11	telehealth
194:13	311:5	327:15	349:3	289:13
244:19	taught	343:9	team	305:11,
293:25	52:1	348:2	64:19,20,	14,17
297:20	326:25	teacher's	22 104:5,	telling
301:10	tax	143:23	7,23	300:6
308:21	205:14	156:4	112:1	305:19
334:19	TBD	276:7	216:14,16	temp
348:1	276:6	teachers	217:9	162:17
353:7	281:3	28:25	234:18	309:17
talking	TBD's	29:1	312:4	template
9:4 19:13	275:23	37:15	318:22,	90:6
102:24	TBI	51:8	24,25	temporary
132:22	160:12,	142:1,15,	319:1,2,	143:11
182:3	13,25	20 143:17	6,9	ten
189:13,	teach	144:1	320:21	77:5
14,19	59:3	148:10	349:25	147:7,16
212:14	60:16,17,	155:6,9,	350:17	174:1,3,6
255:4	18 73:19	14 164:5,	team's	176:18
260:16	74:23	7,9	200:23	202:9
288:9	130:10	171:16	350:21	220:17
290:4	202:16	274:15,	teams	281:6
295:3		17,19	104:10	
308:22		275:6,9,	349:22	
319:12		17,21,23		
321:24				

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: ten-minute..things

298:5,18, 19,24	343:22	306:14,19	320:1	133:2,7, 8,9
ten-minute	testing	Therapeutic	322:11	149:14
236:10	38:2 40:7	ally	323:2	154:9
tend	43:19	287:12	339:5	155:15
143:25	51:1	therapist	353:25	158:3,18
tenth	tests	131:13	things	179:14
340:9	38:3	therapy	25:5	191:2
term	40:8,10	39:23	27:24	196:20
13:2	44:8 51:3	45:1,2,4, 6,8,25	40:2	202:13,14
17:15	71:18	88:3	41:10	204:16,
18:2,15	textbook	there'd	42:17	17,23
344:17	289:3	33:22	47:12	205:8
terminated	textbooks	thing	50:10	207:11,22
42:13	204:17	31:15	55:7,9,11	210:17
termination	themes	59:12	57:1,4	212:8,23
149:8	314:20	67:19	58:2	216:6
terms	therapeutic	72:19	67:14,22	220:15
56:16	12:21	73:18	71:15,17,	224:6,13
64:8	13:5	99:2	19 73:5,	225:22
101:21	60:17	100:19	13 74:22	230:12
130:11	84:23	107:4	75:24	231:14
177:23	88:3 89:2	111:21	81:8	232:18
231:21	106:4	123:14,18	83:17,18	233:10
322:3	108:16	126:23	85:2,3,5	234:22
349:17	184:16	133:7	86:3,20	238:2,23
territory	185:20	160:22	87:2,3,5,	239:25
307:14	186:13	179:21	13 88:8	240:17,19
test	187:11	184:6	90:23	241:12,16
44:4	190:14	190:6,23	96:18	243:11,23
tested	212:20	191:16	99:12	247:4,15,
43:21	252:18,23	204:14	103:8	20 258:14
testified	253:3,10,	225:23	110:1	274:14
7:9	17,23	232:25	112:18	277:17,18
344:12	254:1,2	247:23	113:23	278:14,15
351:5	255:16	248:22	114:11	280:8
testify	256:12	260:22	119:19	283:12,19
11:4	269:22	265:16	121:21	287:2
351:16	271:25	269:11	124:1,5,	289:6,14,
testimony	282:16	276:20	6,18	19 296:25
11:17	284:11	287:24	125:14,18	297:23
	287:15	296:22	128:8	302:2,3
	289:5	309:23	129:18	306:8,9
	293:16	312:1	130:1	307:16
	305:6		131:6,8,	311:24
			14,19	320:15
			132:17,18	324:15

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: thinker..told

332:18	tied	156:10	298:14,17	title
346:8	26:3	163:9	304:13	27:4
thinker	76:23	166:17	318:1	270:6
70:7	334:18	168:20	321:5	309:11
thinking	tier	169:14	323:13	313:10
41:4	66:13,20	173:8	330:18	titled
207:9	191:5	174:9,11,	332:20	89:1
213:22	250:18	20,21,23	341:2,10	218:18
215:24	251:2	176:9	342:1	224:22
221:25	289:18	177:1,15	350:4,5	261:13
225:19	293:2,5	184:8	352:16	316:11
234:15	tiering	185:24	353:22	325:14
287:22	177:12	187:4	timeframe	titles
307:25	tiers	188:2,7	20:7	84:18
Thirty	30:1	192:11	27:15	TKES
144:14	time	194:3	33:11	343:4,6,9
Thirty-six	6:7,8	195:14	35:15	today
163:10	13:13	197:18,22	37:1	6:6,17
thought	16:7 23:8	200:11	49:10,12	7:13,17,
15:2	26:7,11	201:6	51:15,23	22 11:12,
41:10	30:13	204:16	52:10	18 12:11
59:3	32:15,18	205:4	53:6	15:20,24
86:19	35:17,24	206:5	182:6	16:21
118:3	38:10	207:20	295:17	293:23
151:9	44:14	211:23	335:22	342:1
194:15	47:8 49:7	213:11	timeline	343:22
198:8	52:22	216:7	41:20	today's
207:15	56:4 59:7	219:14,	56:17	10:5
220:21	63:3,15	22,24	timeout	11:17
232:18	67:12,25	221:9,11	336:10	15:13
247:22	69:14	228:14	times	told
319:21	73:9,24	230:17	16:4 68:1	119:20,22
330:17	74:5 76:5	236:7,12,	113:10	122:12
332:23,25	77:3,4	16 242:22	166:11	123:25
threatening	93:4 95:8	249:25	177:9	131:7
95:2	100:7	254:4	284:2	134:5
three-year	103:6	257:12	297:21	248:6,11,
45:20	106:8	259:18,25	311:11	21 271:4
throw	111:5	262:5	322:3	295:5
39:24	117:13	268:18	345:1,9	299:20
Thursday	121:18	273:24	timing	304:6,7,
36:12	129:8	276:23	162:1	8,12,13,
	132:18	288:18	tip	14,22,23
	136:19	290:6	26:5	305:2,4
	145:15	291:4,6		
		292:4		
		293:9,19		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: tolerance..transitioning

306:16	163:8,11	59:2,13	296:13	189:8
314:12,13	226:8,24	60:10	306:2	190:17
331:3,24	235:13	61:7,8,	336:17,20	191:4
332:4,5	237:11	21,22,25	337:4	192:20
351:6,17	240:11	62:24	trainings	195:7
tolerance	276:10	63:2,8,	38:5	210:23
130:2	281:18	17,18,19,	65:12	211:13
158:18	totally	24 64:7,	70:4	217:1
ton	212:8	10 65:8	trains	218:4
86:24	306:19	70:24	125:5,6	224:23
277:18	333:10	72:6	tran	227:4
tool	totals	76:23	132:13	231:11
111:4	140:22	336:19	transcript	296:21
tools	toured	337:16	354:22	322:24
205:23	74:9	trainers	transcripts	345:16
top	track	61:24	15:16	transition'
12:14	107:11,	62:20	165:6	s
29:23	24,25	63:8,24,	transfer	128:17
53:23	210:2	25 336:19	123:16	217:25
138:19	337:21	training	124:10	transitione
144:6	tracking	22:15	133:15	d
153:24	106:18	23:16,20	168:5,17	114:14
272:13	tracks	25:11	180:1	134:9
291:18	337:9	28:14,24	transferred	143:8
topic	trade	29:1	141:11	145:9,21
101:9	336:20	45:12	transferrin	157:15
226:12	train	50:22	g	163:14,
353:6	59:2,12	57:15	137:16	16,23
topics	61:7,24	58:6	transition	174:11,
53:11	65:8 71:8	59:20	57:11	21,24,25
58:20	76:9	60:2	110:3	175:3,11,
64:11	116:2	61:5,9,	113:15	13,18
236:15	202:10	10,16	114:15	193:20
tops	278:2	62:12,14	122:16	197:1
116:17	trained	64:1,3,16	123:3,7,	225:5,25
total	61:21	70:18	23 125:22	226:20
136:15	63:8	72:9	127:11,13	227:1,2
140:17,23	115:25	73:12,21	128:19	229:11
141:8,9,	250:17	74:14,15	132:23	235:15,18
15,19	336:14	76:12,16,	168:17	transitioni
153:3,5,	trainer	19,25	175:20	ng
12,14	53:10,14	117:20	182:2,18	127:18
154:22		165:2	185:16	128:13,14
		230:9		150:10
		250:25		157:21,22
		289:20		

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: transitions..uh-huh

163:20	trauma-	340:17	311:20	36:8 46:5
169:4,17	informed	truth	332:12	64:9
172:10	56:22	116:11	types	79:10
181:24	212:18	131:5	42:8	83:4
191:25	229:22,	truthfully	69:16	89:3,7,10
192:1,4	23,25	9:12	70:12	91:18
200:7,8	230:5,16	tryout	73:13	92:10,15
201:4	231:9	233:21	124:1,6	106:19
210:22	243:9	Tuesday	132:17	120:18,22
217:21	338:5	6:6 36:11	133:7	122:21
226:24	trauma-	turn	179:14	126:7,14
227:18,19	sensitive	73:11	191:2	127:7,10
228:8,10,	230:25	184:6	202:13,14	132:1
15 229:13	traumatic	198:13	205:8	136:14
231:12	160:14,25	213:2	212:23	138:23
235:5	161:4,12	261:10	232:14	139:14
236:15	travel	turned	241:15	140:10,24
296:19	88:10,11	285:20	typical	142:25
transitions	99:24	turning	37:25	144:5,8
229:19	treadmill	321:20	167:19,21	148:6
transport	55:8,21	turnover	typically	149:23
118:20,21	treatment	142:5,11	24:2	153:8
126:11	46:4,8,12	twelfth	26:2,14	155:8
transportat	47:2	136:6	35:2 67:5	156:6
ion	109:18	Twelve	68:4	164:15
28:16	324:19	282:4	94:25	166:4
126:21,25	trial	two-part	107:12,14	176:7,24
167:9,13,	9:18	180:13	143:5	180:11,16
17 169:1,	triangulati	two-to-one	158:18	184:11
2 234:1,4	on	340:4	238:6	186:20
237:24	290:22	type	299:16	194:9
344:11,	tricky	68:22	312:23	198:12
13,18,22	323:4	81:3	320:24	206:24
345:6,7,	trigger	97:11	329:8	223:5
12,13	130:12	107:9	340:1	227:24
trauma	trouble	143:9	346:8,16	235:17
24:3	47:7	158:22	<hr/>	238:23
42:17	336:23	172:12	U	242:6,8,
45:14,20	true	233:3	<hr/>	20 245:6
54:2 59:4	144:3,4	238:23	U.S.	246:10
125:17	257:19	265:5	6:13	249:13
230:11	265:25		uh-huh	255:20
278:5			16:25	260:22
			33:17	261:4,7,
				18
				262:11,18
				265:7

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: ultimately..Vickie

266:8,11	13:3	152:21	upset	verbal
267:2	17:2,7,	162:15	102:1	8:24
268:13	12,16,19,	218:22	upstream	verify
270:22	24 18:3,	325:18	68:24	89:17
274:2,8	8,12,16	330:13	212:15	versa
290:8	89:14	333:7,13,	utilize	191:25
293:1	91:7	19 354:12	55:24	200:13
299:5	110:10	unlike	76:10	229:25
301:18	147:21	153:25	307:7	version
313:1,14	175:9,15	unnecessari	utilized	201:7,12
314:11	188:15	ly	74:5,7,10	216:2
315:19	278:3	186:12	utilizes	219:7,12
318:10	306:20	unpack	74:7	221:16
322:2	307:15	289:23	utilizing	222:13
341:23	326:9	unstable	58:10	versus
344:19	352:3,6	320:18	328:25	6:12
345:18	understandi	unusual		12:15
350:6	ng	161:8	v	45:12
ultimately	13:23	up-to-data		47:10
78:6 86:9	40:13,22	224:13	vacancies	118:20
102:5	53:13,24	upcoming	278:18,	125:17
114:23	75:23	93:15	19,20	129:23
217:13	83:14	193:1	vacant	130:14
244:24	105:15,17	268:20,21	278:23,25	159:16,17
256:16	122:22,24	update	279:2	234:19
257:16	151:20	97:10	valid	245:9
344:5	243:17	141:4	134:1	251:2
349:11	302:8	updated	varies	256:15
umbrella	understood	66:5	167:21	268:5
229:25	102:1	148:10	variety	272:6
unable	unfit	201:3	25:5 38:5	283:11
110:18	50:7	updates	40:2	311:15
154:24	uniformity	104:2	114:10	320:8
undergradua	352:12	updating	158:2	vice
te	unique	87:20	190:6	191:25
26:19	113:2	upfront	213:24	200:13
underlying	United	204:5	286:9	229:25
212:15	6:11 7:1,	300:16	297:23	Vickie
283:17	16 9:15	upload	323:5	79:20,21
underneath	12:15	329:8	vary	83:8
113:12	13:20	353:17	293:3	94:14
understand	15:9 89:5			96:19
7:25 8:2,	138:25			97:14
25 12:18	151:12			98:1,2

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: video..work

101:19	visit	59:11	47:23	141:5
120:15	289:13	101:25	192:7	177:10
214:16	330:16	132:22	200:16	196:9
221:9	331:25	139:8	217:4,18	288:3
239:18	visits	151:15	226:3	290:21
242:3	96:9	187:6	301:15	weightlifti
244:8,18,	196:4	194:16	306:11	ng
20 246:8,	197:11	204:5	weaknesses	233:6
20 247:18	334:4	206:13	94:22	white
248:11,	visual	208:6	weapon	70:7
13,15	74:20,21	243:13,16	158:20	wide
252:17	75:13	288:13	wear	277:22
video	visuals	294:9,21	28:3	win
6:9	74:22	317:10	webinars	321:10
view	75:13	333:15	57:21	Wina
284:6	voted	41:5	58:16	101:18
Viewpoint	112:20	320:12	62:13	wing
285:4,23	335:23	warning	websites	135:6,9
287:10		73:4	328:8	189:13,18
294:23	W	warrant	Wednesday	193:7
295:1,22		110:6	36:11	197:5
297:12	wait	watch	week	wise
301:9,12	21:24	57:21	33:1 36:7	240:22
304:23	250:3	58:19	139:21,23	276:16
views	324:8	watched	141:3	withdraw
282:19	waiting	109:15	153:14,17	35:4
violated	76:11	wave	159:2,4,	Wolf
158:17	95:6	128:8	15 272:8	351:11
violating	walk	Wayne	284:18	woman
186:12	55:20	115:12	286:23	297:20
virtual	90:12	118:13,23	289:14,	won
57:18	96:13	119:7	17,22	321:11
94:5,10	140:12	120:16	290:6	words
98:13,14	152:24	121:11	293:19	8:22
100:4	199:20	125:25	322:17	86:25
166:3,5	261:21	126:8,11	330:19	209:13
virtually	284:9	127:4	weekly	327:10
59:8	walking	132:5	141:4	work
94:10	55:8	133:21	148:10	27:12
100:1	211:17,18	168:9,10	159:15,17	34:17
vision	wanted	179:18	weeks	39:13
305:23	34:10	ways	96:22	
			109:14	

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: worked..year

45:18	49:11, 13	works	335:18	73:17
64:22	63:10	61:14	written	79:4, 7
67:6	64:24	64:18	51:6	80:8
69:21	66:16	71:15	78:25	85:13, 14,
75:2, 7	69:24	72:21	80:4 81:4	16 88:5
80:24	70:1, 9	200:16	106:10	90:2
81:13	110:23, 24	209:6	111:7	91:2, 11,
84:22	132:20	267:11	194:3	17 93:15
85:8	212:23	289:10	260:4	96:7
114:5	219:8	299:10	302:6	99:17
127:4	286:1	328:8	312:16	100:12
130:21, 22	296:14	workshops	328:21	102:6
133:7, 21	worker	88:12	335:17, 19	108:5, 14
134:6	62:8	world	351:14	109:6, 12
159:1	214:1	71:5	352:7	110:22
161:20, 22	working	289:18	353:12	115:17
179:11	25:16	worries	wrong	118:8
180:9	28:14, 16	198:9	129:21	119:13
181:14	36:2	274:22	230:20, 21	124:11
182:3	37:19	worry	wrote	126:11
188:3	41:14, 16	332:6	43:9 66:4	132:13
198:13	42:9	333:3	192:25	134:21
202:18	69:19	worse	205:8	135:22
206:10	82:14, 23	276:22	254:6	136:4, 5,
207:6	84:24	wound	255:12	17, 18
208:25	85:4, 9, 10	120:1	345:16	137:1, 15,
209:16	109:4, 8	wraparound	Y	22, 25
219:9, 10,	120:1	104:18, 21	y'all	138:22
11 231:8	130:3	213:10	15:21	139:18
273:23	199:7, 9	283:5	year	140:19
274:6	220:11	285:6, 15	13:9, 11,	141:15, 18
277:6, 9	228:20	287:10	18 22:23	142:2, 6,
292:5	230:2	write	23:13	13 146:10
296:1, 6,	271:8	40:5 47:4	33:10	149:15
19 302:24	293:10	202:13	50:25	150:23
303:4	297:22	writing	52:13, 16	153:23
308:17	298:19, 20	31:10	57:19	159:12, 21
320:15	300:16, 17	40:23	58:7, 8, 9	162:14
328:7	301:21	43:17	62:15	163:16, 18
worked	304:21	44:8 47:2	63:7	165:10, 24
33:12	307:8	85:11	64:14	166:6, 10
36:18	308:4, 10	247:9	65:15	174:16
37:2, 9	326:20	312:12		175:21
38:5, 18	340:11			193:1, 4,
39:8 40:2	348:12			12, 14
42:25				195:12
				205:9

LISA FUTCH
UNITED STATES vs STATE OF GEORGIAOctober 25, 2022
Index: year's..zoned

223:6,16	years	young
224:1,3,	16:8	111:8
4,11,18	22:11	293:25
225:7,15	23:10,11,	youngest
226:4,7	12,13,18,	136:5
227:17,23	22 24:8,	youth
228:1	13 25:6	72:6,7,8
230:7	62:6,19	73:7
239:10,14	63:19	116:9
258:17	64:13	
261:5,23	70:14	
262:2,6	80:11	Z
264:7	106:24,25	
266:12,18	108:11,	Zelphine
268:20,	12,13	249:9
21,23	111:23	250:8
269:6,23,	112:14	251:16
24	118:12,14	350:12
271:15,20	134:8	
275:2,3,	136:17,19	zone
22 276:2,	143:17	150:9
10,11,14,	164:22	zoned
16,21,22,	175:4	150:2
25 277:5	176:6,14,	
278:14,	18 178:4	
17,21	228:24	
279:16	256:1	
280:9,10	277:1	
286:14	302:8	
292:17	304:15	
294:8	338:2,15	
295:20	342:12	
298:13,	349:7	
17,21		
305:13	York	
318:12,15	323:24	
336:22	you-all	
337:22,23	80:3	
338:6,10,	85:9,21	
13 343:24	139:4	
349:1,2	140:5	
353:17	146:14	
	210:12	
year's	289:8	
228:4	301:15	
year-long	303:7	
57:20	338:25	